

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

April 24, 2024

## ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 9:00 a.m. by Chairperson, Elizabeth Farrington, DVM, at the Hampton Inn & Suites, Husker Conference Room, 7343 Husker Circle, Lincoln, NE 68504. The meeting was conducted In-Person and by WebEx. Board members present and answering roll call were:

Elizabeth Farrington, DVM, Chairperson  
Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ, Secretary  
Donovan Hauser, DVM  
Public Member position vacant

Absent: Joshua Schlote, LVT, Vice-Chairperson

A quorum being present, the meeting convened. Also present to participate in the meeting: Vonda Apking, Program Manager, Licensure Unit, Jan Gadenken-Harris, Health Licensing Coordinator, Licensure Unit; Mindy Lester, Assistant Attorney General; Abigail Nissen, Assistant Attorney General; Teresa Hampton, DHHS Department Legal; Larry Wiehn, Investigator, with the Investigation Unit and Anna Harrison, Compliance Monitor, with the Licensure and Investigation Units via WebEx.

Farrington 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.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted on the Bulletin Board at the entrance to the Nebraska State Office Building on April 11, 2024.

## ADOPTION OF AGENDA

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

## APPROVAL OF MINUTES

Byers moved, seconded by Hauser to approve the January 26, 2024, minutes as written. Voting aye: Byers, Farrington and Hauser. Voting nay: None. Absent: Schlote. Abstain: None. Motion carried.

## DEPARTMENT OF AGRICULTURE UPDATES

Kaylie Fritts, DVM, Deputy Nebraska State Veterinarian with the Agriculture Department was present for discussion with the Board.

NPAI (Highly Pathogenic Avian Influenza) has been detected in dairy cattle in other states, however, to date no detections have been made in Nebraska.

No bovine mortalities have been reported to date.

One human case has been documented with conjunctivitis.

HPAI seems to be decimating the marine mammals wildlife population.

## **2024 LEGISLATION UPDATES**

**LB16** - Require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction, provide and change requirements regarding applicants with a criminal conviction, provide for jurisprudential examinations and appeals, change requirements for membership of the State Electrical Board, and adopt the Interior Design Voluntary Registration Act  
Approved by the Governor on March 5, 2024.

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB16.pdf>

Suzanna Glover-Ettrich, with the Department Legal is writing the opinion on LB16 and how it will affect licensing.

**LB910** - Authorize an emergency medical service to transport and emergency care providers to provide emergency medical care to injured law enforcement canines.

Approved by the Governor on April 16, 2024.

Slip Law: <https://nebraskalegislature.gov/FloorDocs/108/PDF/Slip/LB910.pdf>

## **REGULATION UPDATES**

The Board continued the discussion regarding the need for Veterinary Technicians especially in the field of large animal veterinary practices and the possibility of amending the scope of practice to include additional procedures for Veterinary Technicians in the Nebraska Veterinary Medicine and Surgery Regulations, Title 172 Chapter 180.

Megan Kilgore, Executive Director of the Nebraska Veterinary Medical Association (NVMA) sent the survey questions from the Board to the NVMA constituents and all Nebraska licensed Veterinarians and licensed Veterinary Technicians to solicit their feedback responses.

Megan has provided the Board with the survey responses.

One response that came up often was to allow Veterinary Technicians to administer the Rabies Vaccine.

Currently the administration of the rabies vaccine is a task that is solely reserved for a Veterinarian.

NE Revised Statutes - Chapter 71-4401 - 4412.

<https://nebraskalegislature.gov/laws/statutes.php?statute=71-4401>

Title 173 – Chapter 5 Rabies Control Program

<https://rules.nebraska.gov/rules?agencyld=37&titleld=102>

Dr. Farrington will communicate with the NVMA to see if they would support a legislative proposal to Statute to change the current administration of the Rabies Control Program.

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

Byers moved, seconded by Hauser, to go into closed session at 9:50 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 and Hauser. Voting nay: None. Absent: Schlote. Abstain: None. Motion carried.

Board Break 10:38 a.m.

Board Reconvened 10:55 a.m.

Farrington, Chairperson opened the session at 11:00 a.m.

### **APPLICATION REVIEW (0)– OPEN SESSION**

TREMBLY, KENT, DVM – application for reinstatement after discipline requesting reinstatement after revocation of license to practice veterinary medicine and surgery. Hauser moved, seconded by Byers to recommend reinstatement of the license to practice veterinary medicine and surgery. Basis for the Board’s recommendation is that Dr. Trembly has taken the appropriate steps for reinstatement. Voting aye: Byers, Farrington and Hauser. Voting nay: None. Absent: Schlote. Abstain: None. Motion carried.

### **BOARD DISCUSSION(S)**

A. AABP (American Association of Bovine Practitioners) Guideline for Credentialed Vet Techs in Bovine Practice

The Board currently has no comments.

B. RVMA (Relief Veterinary Medical Association) Temporary license for DVM’s for relief purposes  
The Statutes Relating to the Veterinary Medicine and Surgery Practice Act already allows for a Veterinarian Locum Tenens licensure. Therefore, there is no need in Nebraska to create a Temporary DVM license classification.

*38-3335. Veterinarian locum tenens; issuance; requirements; term. When circumstances indicate a need for the issuance of a veterinarian locum tenens in the State of Nebraska, the department, with the recommendation of the board, may issue a veterinarian locum tenens to an individual who holds an active license to practice veterinary medicine and surgery in another state if the requirements regarding education and examination for licensure in that state are equal to or exceed the requirements regarding education and examination for licensure in Nebraska. A veterinarian locum tenens may be issued for a period not to exceed ninety days in any twelve-month period. Source: Laws 2011, LB687, § 3.*

C. NAVLE (North American Veterinary Licensing Examination) program updates  
The testing windows for application to test for the NAVLE will be updated.

### **PRACTICE QUESTION(S)**

A. What is the scope of practice regarding “Pulsed Electromagnetic Field Therapy” for animals?

*It is the opinion of the Board that Pulsed Electromagnetic Field Therapy would be within the scope of practice for Veterinary Medicine and Surgery in accordance with 38-3312-1  
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;*

### **PUBLIC COMMENTS**

There are currently no public comments.

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

The next Board of Veterinary Medicine and Surgery has been tentatively scheduled for Wednesday July 24, 2024. The schedule will be posted on the DHHS website. <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>

**ADJOURNMENT**

There being no further business, Farrington, Chairperson adjourned the meeting at 11:27 a.m.

Respectfully submitted,

\*signature available upon request\*

Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ, Secretary  
Board of Veterinary Medicine and Surgery