

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

April 29, 2026

ROLL CALL

The meeting of the Board of Veterinary Medicine and Surgery was called to order at 9:00 a.m. by Vice-Chairperson, Donovan Hauser, DVM, at the Hampton Inn & Suites, 7343 Husker Circle, Husker Conference Room, Lincoln, NE 68504-9816. The meeting was conducted In-Person and by WebEx. Board members present and answering roll call were:

Donovan Hauser, DVM, Vice-Chairperson
Christopher G. Byers, DVM, DACVECC, DACVIM (SAIM), CVJ, Secretary
Marcie Kemnitz, PhD
Vacancy DVM Member

Absent: Joshua Schlote, LVT, Chairperson

A quorum being present, the meeting convened. Also present to participate in the meeting: Vonda Apking, Program Manager, Licensure Unit, Jan Gadeken-Harris, Health Licensing Coordinator, Licensure Unit; Milissa Johnson-Wiles, Assistant Attorney General; Katherine Amyot, DHHS Department Legal; Alexandria Belcher, Veronica Briggs, Mark Meyerson, via WebEx, Hayle Alvarado and Trevor Klaassen, Investigators, with the Investigation Unit and Tricia Allen, Program Manager with the Investigation Unit.

Hauser 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 16, 2026.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

One correction to the presented minutes was on the first page, first paragraph – the meeting was held at the NE Dept of Water Energy & Environment Hearing Room 031 LL, 245 Fallbrook Blvd, Lincoln, NE 68521. Byers moved, seconded by Kemnitz, to approve January 30, 2026, minutes with the noted correction. Voting aye: Byers, Hauser and Kemnitz. 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.

New World Screwworm (NWS) – The United States to date has not had any reported cases. NWS is moving northward from Mexico, with the closest reports being 150 miles south of the US/Mexico border. The US has started to distribute sterile flies. A new production and distribution facility in Mission, TX is scheduled to be open by November of 2027.

Florida has issued a new import requirement for all warm-blooded animals, including dogs and cats that are coming from counties that border Mexico and Texas. This is the only import change for the US in response to the NWS.

Theileria – a parasite infecting cattle and other bovines, it is spread by the Asian longhorn tick. To date, Theileria has not been found in Nebraska.

H5N1 or Avian Influenza – Nebraska has not had any detection in poultry since January or early February 2026 and no detections in livestock since last fall 2025. Indiana and Pennsylvania have, in the last couple of months, reported outbreaks in poultry and Idaho has had a recent reported detection in some dairy cattle.

The USDA has rolled back requirements for imports for lactating dairy cattle, where there is no longer a need to test for H5N1 if moving across state lines between unaffected states, and Nebraska is considered an unaffected state.

VET CVI – a new platform is now available for both large and small animal medicine. It is a free ECVI (Electronic Certificate of Veterinary Inspection) platform which will make it easier for Veterinarians to file the health certificate to cross state lines. If the veterinarian office needs instruction with the new platform the Nebraska Agriculture Department office will be happy to assist.

LEGISLATION UPDATES

Currently there are no Legislation updates to report to the Board.

REGULATION UPDATES

Currently there are no Regulation updates to report to the Board.

INVESTIGATIONAL REPORTS AND APPLICATION REVIEW – CLOSED SESSION

Byers moved, seconded by Kemnitz, to go into closed session at 9:12 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, Hauser and Kemnitz. Voting nay: None. Absent: Schlote. Abstain: None. Motion carried.

Board Break 10:51 a.m.
Board Returned 10:59 a.m.

Hauser, Vice-Chairperson, opened the session at 11:00 a.m.

APPLICATION REVIEW (0)– OPEN SESSION

There were no applications for the Board to review.

DISCUSSION(S)

Proposed draft revisions for the Regulations, Title 172 Chapter 180 were reviewed and discussed by the Board. Byers moved, seconded by Kemnitz, to accept the proposed draft revisions. Voting aye: Byers, Hauser and Kemnitz. Voting nay: None. Absent: Schlote. Abstain: None. Motion carried.

Proposed draft revisions for the Statutes Pertaining to Veterinary Medicine and Surgery Practice Act were reviewed and discussed by the Board. Suggestions were given for further edits. The DHHS Legal Department will edit the proposed draft with these suggestions. The Board is aware that these edits for the Statutes will need to be introduced to the State Legislature.

The Veterinary Drug Distributor Act was discussed and the DHHS Legal Department clarified the licensure requirements. Department Legal's current interpretation of the Act is that entities distributing veterinary legend drugs to veterinarians or other wholesalers are required to obtain a license.

EMAIL BALLOT(S) SINCE LAST MEETING

An email ballot was sent to the Board Members on January 30, 2026, to approve Dr. Byers as the Board's representative to give presentations to UNL students on the Board's behalf. The email ballot was approved.

PRACTICE QUESTION(S)

A. Is it permissible to practice cryotherapy as a wellness therapy on horses that are not of my ownership?

It is the opinion of the Board that cryotherapy is considered the practice of veterinary medicine according to present Statute.

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;

B. When does PEMF use become the practice of Veterinary Medicine, since the apparatus itself isn't regulated?

It is the opinion of the Board that PEMF is considered the practice of veterinary medicine according to present Statute, regardless if regulated or nonregulated.

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

Lauren Feger
Vice President
Association of PEMF Professionals
www.pemfprofessionals.com
6603 220th St. SW #100
Mountlake Terrace, WA 98043

Laure Feger presented the following letter to the Board:

April 24, 2026

Nebraska Board of Veterinary Medicine and Surgery

Dear Members of the Board,

On behalf of the Association of PEMF Professionals, I respectfully ask the Board not to adopt a sweeping interpretation that all animal PEMF constitutes the practice of veterinary medicine solely because a pulsed electromagnetic field device is used.

The Board's April 29 agenda places PEMF directly before the Board and includes review of proposed draft revisions to both regulations and statutes under the Veterinary Medicine and Surgery Practice Act. The Board's January 30 minutes also indicate that, when a similar apparatus-based question was

presented, the Board concluded that a veterinary license was required and suggested that any non-veterinary pathway would need to come through statutory change.

AOPP is not asking the Board to authorize non-veterinarians to diagnose, prognose, prescribe, perform surgery, perform invasive procedures, or treat disease. Veterinarians should remain responsible for those functions. Our request is narrower: if the Board believes current law does not clearly distinguish veterinary medicine from a limited supportive PEMF role, we ask that the Board leave room for a targeted statutory solution rather than adopt a blanket interpretation today. Nebraska's current definition of veterinary medicine is broad and includes use of an apparatus and related advice or representations, which is precisely why a narrower legislative fix is the more appropriate path.

The practical consequences of a sweeping interpretation would be significant. Responsible supportive PEMF services are currently being provided within a limited scope, often with the knowledge and support of veterinarians. Treating all PEMF as veterinary medicine by default would disrupt ongoing supportive services relied upon by animal owners, create immediate uncertainty for Nebraska businesses, and risk unnecessary consequences for animals currently receiving those services.

Nebraska has previously addressed related animal-service issues through more tailored statutory frameworks, including the animal therapist model. AOPP believes a similarly narrow approach is the more responsible course here. We support consideration of a limited-scope statutory framework for supportive animal services that includes registration, education, recordkeeping requirements, referral obligations, and clear advertising and claims standards.

We respectfully ask the Board to refrain from making a sweeping interpretation today and instead leave room for a more precise statutory solution.

Thank you for your time and consideration.

*Respectfully,
Lauren Feger
Vice President
Association of PEMF Professionals
Lauren@pemfprofessionals.com
502-741-8807*

Mindi Clarke, Certified for Equine Acuscope from Lincoln, NE was present at the meeting. Ms. Clarke asked the question to the Board:

How do you define "apparatus"?

Katherine Amyot, Department Legal indicated that the Department would use the Dictionary definition:

Merriam-Webster Dictionary: *a set of materials or equipment designed for a particular use*

SCHEDULE OF THE NEXT BOARD MEETING

The next Board of Veterinary Medicine and Surgery meeting has been tentatively scheduled for Friday, July 29, 2026. 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, Hauser, Vice-Chairperson adjourned the meeting at 12:33 p.m.

Respectfully submitted,

signature available upon request

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