

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

October 28, 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 at the Staybridge Suites, in the Staybridge Conference Room at 2701 Fletcher Avenue, Lincoln, Nebraska 68504. The meeting was conducted In-Person and by WebEx. 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 (attended by WebEx)
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, Teresa Hampton, DHHS Department Legal, 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.

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 <http://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the Licensure Unit on October 15, 2020 with a revision posted on October 21, 2020.

ADOPTION OF AGENDA

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

APPROVAL OF MINUTES

Byers moved, seconded by Farrington to approve the July 29, 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

Schlote moved, seconded by Farrington, to go into closed session at 9:05 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.

Schlote Recused himself at 9:06 a.m.
Schlote Returned at 9:24 a.m.

Kohles Recused himself at 9:43 a.m.
Kuenning Returned at 9:46 a.m.

Farrington moved, seconded by Byers, to open the session at 10:05 a.m. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

Board Break: 10:05 a.m.
Reconvene: 10:10 a.m.

APPLICATION REVIEW – OPEN SESSION

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

BOARD DISCUSSION(S)

A. Assistant Attorney General Support

Currently there are only three Assistant Attorney Generals assigned to all of the Medical and Specialized Health Boards and the caseload is extremely high. Farrington moved, seconded by Schlote to support the request by the Attorney General's office to solicit the Nebraska Legislature to acquire a fourth Assistant Attorney General. Voting aye: Byers, Farrington, Kohles, and Schlote. Voting nay: None. Absent: None. Motion carried.

B. NVMA (Nebraska Veterinary Medical Association) Winter Meeting - January 28, 2021

Dr. Byers announced that he has been asked to be a keynote speaker at the meeting.

Dr. Farrington and Dr. Kohles both expressed interest in attending the meeting.

PRACTICE QUESTION(S)

A doctor has an established VCPR with a patient and client, however the doctor is out of the office and has not examined the patient themselves for the condition for which the patient needs a prescription. Is it legal for another doctor in the practice to write the prescription?

It is the opinion of the Board to refer to Veterinary Medicine and Surgery Statute 38-3316 for the definition of the Veterinarian-client-patient relationship and to consult with the Legal Counsel for your practice for additional advice.

38-3316. Veterinarian-client-patient relationship, defined.

Veterinarian-client-patient relationship means that:

- (1) The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the animal and the need for medical treatment, and the client has agreed to follow the veterinarian's instructions;*
- (2) The veterinarian has sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the medical condition of the animal. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal by virtue of an examination of the animal or by medically appropriate and timely visits to the premises where the animal is kept; and*
- (3) The veterinarian is readily available or has arranged for emergency coverage and for followup evaluation in the event of adverse reactions or the failure of the treatment regimen.*

Source: Laws 2007, LB463, § 1098.

REGULATIONS UPDATE

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 were tabled to allow the Board members time to review the Regulations.

2020 LEGISLATION UPDATES

The 106th Legislature, 2nd Session has adjourned with no appointed date for resumption.

AAVSB Annual Meeting Update

The AAVSB Annual Meeting scheduled for September 24-26, 2020 in Portland, Oregon was cancelled for the in-person components due to COVID-19.

The Annual Meeting had two components – the Educational Meeting and the Annual Delegate Assembly.

The Educational Meeting was rescheduled to be held as a virtual event on September 22, 2020 – October 8, 2020. The Board members expressed their appreciation to the AAVSB for the opportunity to share in the numerous sessions of the Virtual Event.

The other component of the Annual Conference, the Delegate Assembly, was cancelled for 2020.

The 2021 AAVSB Annual Meeting & Conference has been scheduled in Denver, Colorado for September 30 – October 2, 2021. Check the AAVSB website for updates:

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

SCHEDULE OF THE NEXT BOARD MEETING

The next Board of Veterinary Medicine and Surgery has been scheduled for Wednesday, February 3, 2021.

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 Schlote, to adjourn the meeting at 10:55 a.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