



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Frankfort, KY 40601

Office: 502-782-0273 • Fax: 502-695-5887

bve.ky.gov • vet@ky.gov

Board Meeting Minutes

September 27, 2018

BOARD MEMBERS PRESENT

- Perry W. Wornall, DVM & Chairman
- Eric S. Peterson, DVM & Vice Chair
- Judith Piazza
- Jeffrey Pumphrey, DVM
- Amanda H. Rowland, DVM
- Gene Smith, DVM
- Amy J. Staton, EdD, LVT
- Craig A. Van Balen, DVM
- Steven J. Wills, DVM
- Robert Stout, DVM & proxy for the Commissioner of Agriculture Ryan Quarles

DEPARTMENT OF AGRICULTURE STAFF PRESENT

- Joe Bilby, Board Counsel
- Michelle Shane, Board Administrator
- Clint Quarles, Kentucky Department of Agriculture (KDA) Staff Attorney

OTHERS PRESENT

- Loran Wagoner, DVM, Board Investigator
- Ray Baumann, Farmers Pride, Louisville, KY

CALL TO ORDER

Perry Wornall, Board Chairman, called the meeting to order at 12:28 PM. A quorum of the Board was noted as present.

APPROVAL OF MINUTES

The Board Meeting Minutes from the July 26, 2018 meeting were reviewed. A correction was made near the top of page 3 from "Judith Peterson" to "Judith Piazza".

A MOTION was made by Eric Peterson to approve the minutes with this revision. The motion, seconded by Steven Wills, unanimously passed by voice vote.

FINANCIAL STATEMENT

Michelle Shane provided an overview of the budget documents presented, including the summary budget statement, general revenue and expenditure categories and amounts for each, and specific expenditures authorized by the Board since the July meeting. The Budget Summary document updated from the last meeting showed receipts for F.Y. 2019 totaling \$231,810 to date, and total expenditures of \$14,164.98. An updated projected expenditure table showed anticipated expenses

to be \$211,122 for F.Y. 2019. Office supplies and furnishings authorized for the new office totaled \$2,283.82, which was \$796.18 less than authorized. Travel expenditures to the AASVSB Annual Meeting for Joe Bilby and Steven Wills totaled approximately \$4,500. Additional office supply expenditures were requested totaling approximately \$600.

A MOTION was made by Robert Stout to approve the budget as presented. The motion, seconded by Eric Peterson, unanimously passed by voice vote.

A MOTION was made by Eric Peterson to allow for additional office supply expenditures presented totaling \$600. The motion, seconded by Steven Wills, unanimously passed by voice vote.

Joe Bilby flagged the issue of revenue for further consideration during the regulation revision effort. The amount of fees collected compared to annual expenditures should be weighed carefully.

A discussion was led by Michelle Shane and Joe Bilby about the database management software created by the Department of Professional Licensing (DPL)/Public Protection Cabinet (PPC) and used by KBVE to manage licensees, specifically the fees assessed. There is no formal agreement in place for the billable services provided. A current invoice shows PPC calculations to equal approximately \$1,720 per month, with an amount due of \$5,160 for July – September 2018. An annual total at this rate would equal \$20,631.

A MOTION was made by Robert Stout to enter to an agreement with PPC for payments, and to pay up to \$1,720 / mo; but also investigate other options and reduce the contract price if possible. The motion, seconded by Eric Peterson, unanimously passed by voice vote.

OPEN DISCUSSION / NEW BUSINESS

AAVSB Annual Meeting

Joe Bilby led a discussion on AAVSB Annual Meeting. A summary handout was provided in the Board packet. Steven Wills, Judith Piazza, and Michelle Shane added points about their take-aways from the meeting. Development of a Board mission statement was discussed, as well as making use of some of the services provided by AAVSB. All who attended the 2018 Annual Meeting expressed the value in sending at least two Board Members each year, and sending the board administrator and several board members to the Board Basics course offered by AAVSB in spring 2019. All attendees representing KBVE at the AAVSB meeting felt the need to plugin more at the national level to represent Kentucky's interests.

Further, the discussion included outreach to other Kentucky Boards, outreach to students at veterinary colleges on the licensure process, the creation of standard policy documents, and the Vet-Client-Patient Relationship (VCPR) and how this definition may be affected by telehealth and telemedicine.

Regulation Revisions

Joe Bilby opened a discussion on regulation revisions by providing a brief overview of KRS 13A.3102 (www.lrc.ky.gov/Statutes/statute.aspx?id=46285), and introductions Clint Quarles.

At the July 2018 Board Meeting, Clint Quarles was directed to complete three research items for the Board:

- 1) To check with the Bar Association on a possible carve out via memo or policy to the ethics rules to allow for practice gifts and gifts between friends that predate Board appointments,
- 2) To conduct research into the retention schedules of boards similar to the KBVE, including boards for pharmacy, physicians, attorneys, psychiatrists, and dentists; and
- 3) To complete a review of KRS Chapter 321 and 201 KAR Chapter 16, provide an overview for the ad hoc committee's work.

Ethics and Gift Rules

Clint Quarles reported on the response of Katie Gabhart, executive director of the Kentucky Executive Branch Ethics Commission. There are no allowable carve outs for practice gifts and/or gifts between friends that predate Board appointments (except spouses). There is a \$25 annual allowance per year, after which Board Members would need to recuse themselves from such exchanges.

Oath of Office

Joe Bilby administered the Oath of Office from the Commonwealth of Kentucky's Constitution, Section 228 to Judith Piazza, newest Board Member.

Revisions Needed to Regulations

Clint Quarles continued his report about the regulation revision process. He stressed the need to rule by statute and regulation and not by policy, so that the public always has access to the current rules governing the professions managed by the Board. A handout was provided in the Board packet. Clint presented a summary document which outlined statutory commands from the legislature to write regulations and their corresponding regulations or lack thereof.

Ad Hoc Committee Formed

The Chairperson Perry Wornall asked for volunteers to form an ad hoc committee to revise the regulations before the next Board meeting. The following Board Members volunteered: Robert Stout, Amanda Holmes, Perry Wornall, Amy Stanton, Eric Peterson, Jeffrey Pumphrey, Steven Wills, and Joe Bilby. The ad hoc committee meeting was set for October 9 at 9:00 AM.

Records Retention

Clint Quarles completed his report with a review of the records retention schedules for other boards governing similar professions to the Board of Veterinary Examiners. A handout was provided in the Board packet. Retention varies by type of documents and ranges from 1-2 years or forever.

A MOTION was made by Gene Smith to change every instance of 50 year retention to 25 year retention in the KBVE records retention schedule. The motion, seconded by Eric Peterson, unanimously passed by voice vote.

LICENSURE STATUS REPORT

Michelle Shane reviews the current Licensure Status Report. As of September 25, 2018, the total active veterinary licenses was 2,624, up 49 licenses from the last report; the total veterinary technician licenses was 402, up 20 licenses from the last report; certified animal control agencies was 59, up one certification from the last report; and the total certified euthanasia specialists was 198, up 19 from the last report.

APPLICATIONS COMMITTEE

Michelle Shane reviews the List of New Applicants. The following applications were reviewed by the Applications Committee for licensure and certificates:

	First Name	Last Name	License Type	App. Type
1	Kaley	Burden	Euthanasia Specialist	New
2	John M.	Clark	Euthanasia Specialist	New
3	Lawrence	Durgasingh	Euthanasia Specialist	New
4	Canida	Johnson	Euthanasia Specialist	New
5	Kelly	Kerr	Euthanasia Specialist	New
6	Bryanda	Neighbors	Euthanasia Specialist	New
7	Mallory	O'Neil	Euthanasia Specialist	New
8	Brittney	Orten	Euthanasia Specialist	New
9	Alicia	Phillips	Euthanasia Specialist	New
10	Emily	Rowekamp	Euthanasia Specialist	New
11	Kristen "Sissy"	Slone	Euthanasia Specialist	New
12	Philip	Stubblefield	Euthanasia Specialist	New
13	Candi	Taylor	Euthanasia Specialist	New
14	Jessica	Young	Euthanasia Specialist	New
15	Meagan	Young	Euthanasia Specialist	New
16	Heather K.	Carlin	Veterinarian	Endorsement
17	Stanton Ward	Garrett	Veterinarian	Endorsement
18	Michelle Lynn	Hughes	Veterinarian	Endorsement
19	Nancy R.	Lee	Veterinarian	Endorsement
20	John Milton	McClure	Veterinarian	Endorsement
21	Christopher B.	Miller	Veterinarian	Endorsement
22	Korin Nicholas	Potenza	Veterinarian	Endorsement
23	Renu	Remesh	Veterinarian	Endorsement

	First Name	Last Name	License Type	App. Type
24	Jerry D.	Rusch	Veterinarian	Endorsement
25	Scott	Ryan	Veterinarian	New
26	Allison	Shepherd	Veterinarian	Endorsement
27	Elizabeth J.	Weber	Veterinarian	Endorsement
28	Craig	Willette	Veterinarian	New
29	Alaina	Alderman	Veterinary Technician	New
30	Rebekah	Allen	Veterinary Technician	New
31	Dana	Brown	Veterinary Technician	Reinstatement
32	Cheyenne E.	Carroll	Veterinary Technician	New
33	Leah S.	Connolly	Veterinary Technician	New
34	Josie	Edlin	Veterinary Technician	New
35	Brianna T.	Etherington	Veterinary Technician	New
36	Jessica	Hamberg	Veterinary Technician	New
37	Helena	Herald	Veterinary Technician	Reinstatement
38	Kelsey	Hinton	Veterinary Technician	New
39	Courtney	Howerton	Veterinary Technician	New
40	Kathleen	Kotora	Veterinary Technician	New
41	Marissa	Lamp	Veterinary Technician	New
42	Katrina	Lee	Veterinary Technician	New
43	Lisa	Maney	Veterinary Technician	New
44	Megan E.	Schwartz	Veterinary Technician	New
45	Janell	Scott	Veterinary Technician	New
46	Brittany	Smith	Veterinary Technician	New
47	Hannah M.	Smith	Veterinary Technician	New
48	Elizabeth	Wilson	Veterinary Technician	Reinstatement

A MOTION was made by Amy Stanton to approve the Application Committee's findings. The motion, seconded by Gene Smith, unanimously passed by voice vote.

Michelle Shane reviews the List of New CEU Approval Requests.

Course Title	Sponsor / Provider	CEU Hours Approved		Date of Program(s)
		Vet	Vet Techs	
Hypercalcemia	BluePearl Veterinary Partners	1	1	9/12/2018
The Human-Animal Bond: A Review of the Current Literature	BluePearl Veterinary Partners	1	1	8/15/2018
Urinary Tract Troubles	BluePearl Veterinary Partners	2	2	8/22/2018

Course Title	Sponsor / Provider	CEU Hours Approved		Date of Program(s)
		Vet	Vet Techs	
Reproductive Updates from Boehringer Ingelheim	Boehringer Ingelheim Animal Health	2	-	8/21/2018
First Aid for Working Canines	Cheryl Nelson, DVM	1.5 - 4	1.5 - 4	TBD
Options for Animals: Essential Animal Chiropractic	College of Animal Chiropractic	210	-	4 week course Jun-Jul 2018
Scoping the TB Yearling: Abnormalities, Grading Scales, etc.	Kentucky Association of Equine Practitioners	1.5	-	10/16/2018
Veterinary Meeting of Representatives from Member Countries of the International Thoroughbred Breeders Foundation (ITBF) and local Veterinary Practices	Thoroughbred Owners and Breeders Association (TOBA)	4	-	8/31/2018
2018 Annual Meeting of the Orthopaedic Research Society	University of California Davis School of Veterinary Medicine	11	-	03/10-13/2018
2018 Pacific Veterinary Conference	University of California Davis School of Veterinary Medicine	8	-	6/28-7/1/2018
Fall Festival - Continuing Education for the Practitioner	University of California Davis School of Veterinary Medicine	8	-	10/15/2018
Plant and Animal Genome Conference	University of California Davis School of Veterinary Medicine	6.5	-	01/13-17/18
Equine Neurology CE & Wetlab	Zoetis	7.5	-	11/8/2018
Equine Vet Tech Boot Camp CE & Wetlab	Zoetis	-	8	10/26/2018
Fleas, Ticks & Disease: What's New and What Can We Do?	Zoetis	2	2	5/8/2018

Course Title	Sponsor / Provider	CEU Hours Approved		Date of Program(s)
		Vet	Vet Techs	
Overcoming Obstacles of Pet Owner Compliance: Take Control of Your Pharmacy and Compliance... for the Well-Being of Your Practice and Your Patients	Zoetis	2	2	10/2/2018
Overcoming Pet Owner Compliance Obstacles	Zoetis	2	2	10/3/2018
Overcoming Pet Owner Compliance Obstacles	Zoetis	1.5	1.5	10/3/2018
What Generation Dermatology Are You Practicing?	Zoetis	2	2	7/26/18; 8/18/18; 9/18/18;
Euthanasia By Injection	Illinois Federation of Humane Societies	-	-	TBD

A MOTION was made by Eric Peterson to approve the Application Committee’s findings on continuing education applications. The motion, seconded by Gene Smith, unanimously passed by voice vote.

OTHER TOPICS FOR DISCUSSION

Michelle Shane discussed the wording on the current license certificates and the need to align the license/certificate language with what is authorized by statute and regulation.

A MOTION was made by Craig Van Balen to change the wording of the certificate for Animal Control Agencies to “Restricted Controlled Substance Registration Authorization”. The motion, seconded by Steven Wills, unanimously passed by voice vote.

The discussion of Kentucky Personnel Cabinet Job Class Specifications was tabled until a future meeting.

Michelle Shane presented an update on the KBVE website build update.

The Board adjourned for a 15 min break and then reconvened.

Craig Van Balen initiated a discussion about the practice of thoroughbred consignors demanding that veterinarians write fictitious certificates to remove a horse from the sale so the seller doesn’t have to pay the 2.5% commission, and to avoid a price being assigned to the horse. He would like to have the Board address this practice with the sales companies so that veterinarians are not put in the position of writing false certificates or losing a client. The Board agrees that this is a common practice that has been overlooked for 30-40 years. Joe Bilby notes that veterinarians should know

better than to falsify documents in violation of the Practice Act. Perry Wornall notes that there are conflict of interests involved. The topic was tabled for further discussion at the next meeting.

Michelle Shane introduces an update on the Contract Spaces Working Group. Robert Stout provides a more thorough update on the progress of that working group, as he has been assigned to the working group as proxy for Ryan Quarles, Commissioner of Agriculture. The third meeting occurs October 2.

Michelle Shane noted that the Kentucky Veterinary Medical Association (KVMA) has a new Executive Director, Debra Hamelback.

Michelle Shane asks for clarification on:

- Approved Euthanasia Courses. Dr. Loran Wagoner cites and is aware of only two who provide these courses: Dr. Rexroat in Columbia, KY; and the Lexington Humane Society. The Board just approved another one in the CE Applications. Michelle will create a list and publish it on the Board's website as a reference for potential applicants.
- License Renewal Fees for Newly Licensed Vets. Perry Wornall and Gene Smith indicate that the precedent has been to waive renewal fees for applicants licensed after the second May in the renewal biennium. However, this has only been in policy and will be addressed during the regulation revisions. Robert Stout suggests the Board might prorate the fee for the renewal period.
- CEU requirements for vets who are not new graduates and also not licensed in another state. The Board cites that this is clearly defined in regulation and that CEUs are required.
- Can a boarding facility administer medications to a pet? Yes, if the medication has been prescribed by a veterinarian with an established VCPR, the facility is acting as an agent of the owner and can administer the medications.
- A request from Dr. Erica Tolar to conduct a pioneering surgery under the guidance of Dr. Richard McMullen, the only person in the United States currently performing this procedure. She is requesting the requirement for a Kentucky Veterinary License be waived in this instance. The Board agrees to issue a letter waiving the license requirement for Dr. Richard McMullen for this one instance of surgery since the procedure is so new.
- Rehabilitation licensure requirements. The Board indicates more detail is needed on what the rehabilitation consists of.
- A journalist is inquiring about Kentucky's opioid policies for veterinarians. The Board indicates that there are no policies or regulations for veterinarians on this specific issue at this time.
- Inactive Status and Retirement Status. There have been many inquiries. This will be addressed during regulation revisions.

INVESTIGATOR'S REPORT

Periodic Inspections:

- Calloway County
- Daviess County
- Franklin County
- Graves County
- Henderson County

- Hopkins County. Loran reports that the staff was concerned about the inability to order euthanasia solution. In fact, they were trying to order from a manufacturer. Loran was able to direct them to a distributor.
- Leitchfield Animal Shelter. Loran indicates a need for a letter to be issued to this shelter about removing all ketamine on site, and requiring the submission of proof of proper disposal (DEA 222 form).
- Lexington Humane Society
- Marshall County
- Muhlenberg County
- Ohio County
- Union County

SALES REPORTS

- September Keeneland Sale

Loran reports on potential problems with Keeneland's policy to allow non-veterinarians to look at radiographs. He also discussed the issue of foreign veterinarians (most unlicensed and not working with a Kentucky licensed veterinarian) who do not carry liability insurance. The issue of foreign veterinarians will be taken up at a future meeting.

A MOTION was made by Gene Smith to follow up on Loran Wagoner's recommendations with the letters to Leitchfield Animal Shelter (re ketamine) and to Keeneland (re non-licensed veterinarians viewing radiographs). The motion, seconded by Craig Van Balen, unanimously passed by voice vote.

WELLNESS COMMITTEE REPORT

The Wellness Report was examined. The Board did not have any questions. No further action was required.

APPROVAL OF CONTRACT BILLING

A MOTION was made by Gene Smith to authorize Michelle Shane to process payments on invoices from existing personal service contracts with Loran Wagoner and Brian Fingerson as they come in, and up to the amount authorized in the contract without further approval from the Board. The motion, seconded by Eric Peterson, unanimously passed by voice vote

APPROVAL OF TRAVEL AND PER DIEM

A MOTION was made by Eric Peterson to approve the current travel and per diem for Board Members. The motion, seconded by Amanda Rowland, unanimously passed by voice vote.

ADDED MEETING DATES

An additional full Board Meeting was requested by the Board Counsel and Board Administrator. Dates were discussed.

A MOTION was made by Eric Peterson to add a full board meeting on Friday, November 2. The motion, seconded by Craig Van Balen, was unanimously passed by voice vote.

COMPLAINTS COMMITTEE REPORT

- 2013-17 - ongoing
- 2015-30 - ongoing
- 2015-33 - ongoing
- 2018-02 - ongoing
- 2018-06 - ongoing
- 2018-07 - case closed.
- 2018-09 - ongoing
- 2018-11 - ongoing
- 2018-12 - dismissed.
- 2018-13 - An injunction was filed and signed; closed after Perry Wornall counter signs.
- 2018-14 - dismissed without investigation; no apparent violation of the Practice Act.
- 2018-15 - dismissed.
- 2018-16 - The Complaints Screening Committee has directed Loran to investigate.
- 2018-17 - ongoing
- 2018-18 - ongoing
- 2018-19 - case tabled.
- 2018-20 - ongoing.
- 2018-21 - case tabled.
- 2018-22 - dismissed without investigation; no apparent violation of the Practice Act.
- 2018-23 - investigation concluded; no violation of Practice Act; dismissed.
- 2018-24 - investigation concluded; no violation of Practice Act; dismissed.
- 2018-25 - ongoing
- 2018-26 - ongoing
- 2018-27 - investigation concluded; no violation of Practice Act; dismissed.
- 2018-28 - ongoing
- 2018-29 - ongoing
- 2018-30 - ongoing
- 2018-31 - ongoing
- 2018-32 - ongoing
- 2018-33 - ongoing
- 2018-34 - investigation concluded; no violation of Practice Act; dismissed.
- 2018-35 - ongoing
- 2018-36 - ongoing

A MOTION was made by Eric Peterson to approve the Complaints Committee Report and recommendations. The motion, seconded by Steven Wills, unanimously passed by voice vote.

CLOSED SESSION

Joe Bilby asked for the Board to move into closed session. Jeffrey Pumpfrey recused himself.

A MOTION was made by Eric Peterson to move into closed session at 3:30 PM. The motion, seconded by Amanda Rowland, passed by voice vote.

At 4:45 PM, the Board returned to **OPEN SESSION**.

A MOTION was made by Gene Smith for a roll call vote on moving forward with the recommendations of the Complaints Screening Committee and Board Council on the Hagyard-Davidson-McGee Investigation. The motion, seconded by Eric Peterson, passed by voice vote. The roll call vote is as follows:

- Perry Wornall: AYE
- Gene Smith: AYE
- Robert Stout: AYE
- Amanda Rowland: AYE
- Craig Van Balen: AYE
- Steven Wills: AYE
- Amy Staton: AYE
- Eric Peterson: AYE
- Jeffrey Pumpfrey: Recused

The motion passed by roll call vote.

NEXT MEETINGS

Added - Ad Hoc Committee Meeting - Tuesday, October 9

Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601

Added - Full Board Meeting - Friday, November 2

Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601

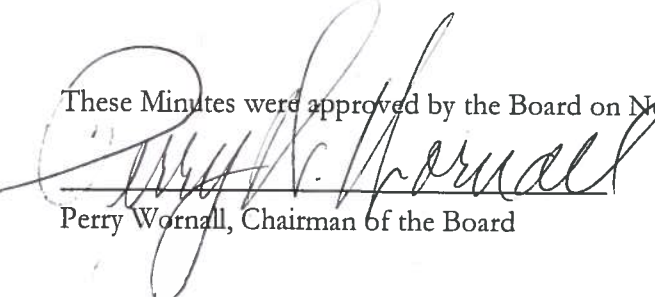
Scheduled - Full Board Meeting - Thursday, November 29

Office of the State Veterinarian, 109 Corporate Drive, Frankfort, KY 40601

ADJOURNMENT

A MOTION was made by Craig Van Balen to adjourn at 4:52 PM, having no further items of discussion. The motion, seconded by Steven Wills, passed by voice vote.

These Minutes were approved by the Board on November 2, 2018.


Perry Wornall, Chairman of the Board



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Board Meeting Agenda

September 27, 2018

10:30 AM COMMITTEE MEETINGS

- Complaints Screening Committee
- Applications Committee

12:00 PM Lunch

12:20 PM WELCOME AND INTRODUCTIONS

12:30 PM CALL TO ORDER

APPROVAL OF MINUTES

- Board Meeting Minutes from July 26, 2018

FINANCIAL STATEMENT

- Months ending July 31, 2018, and Aug 30, 2018
- Summary of Purchases (Office supply, furniture, etc.)

OPEN DISCUSSION / NEW BUSINESS

- Update from AAVSB Conference
- Regulation Revisions
- KY Personnel Cabinet - Job Class Specifications
- MOA with PPC
- Website Build Update
- Discussion Topic – Dr. Van Balen
- Contract Spaces Working Group
- KVMA Update
- Other Questions for Discussion
 - Approvals for Licenses and Courses:
 - Euthanasia Courses
 - License Renewal Dates for newly Licensed Vets
 - CEU requirements for vets who are not new graduates and also not licensed in another state
 - Inactive Status and Retirement Status

COMPLAINTS COMMITTEE REPORT

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INVESTIGATOR'S REPORT

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- Marshall County
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- Union County

SALES REPORTS

- September Keeneland Sale

WELLNESS COMMITTEE REPORT

APPROVAL OF CONTRACT BILLING

APPROVAL OF TRAVEL AND PER DIEM

CLOSED SESSION

NEXT MEETING – Tentative – ADDED – Thursday, October 25

Office of the State Veterinarian
109 Corporate Drive, Frankfort, KY 40601

– Scheduled – Thursday, November 29

Office of the State Veterinarian
109 Corporate Drive, Frankfort, KY 40601