



KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601

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Special Meeting Minutes

March 26, 2020 @ 1:00 pm EDT – Special Meeting, per [Executive Order 2020-215](#) & [KRS 61.823](#)

Meeting Location: Video Teleconference Only

BOARD MEMBERS PRESENT

(V) = video (A) = audio only

- Steven J. Wills, DVM – Chairman (V)
- Gene Smith, DVM – Vice Chair (V)
- Dale Eckert, DVM (V)
- Tim Gardner, DVM (A)
- Leah Miller, DVM (V)
- Judith Piazza, Citizen-at-Large (A)
- Jeff Pumphrey, DVM (A)
- Amanda H. Rowland, DVM (V)
- Amy J. Staton, EdD, LVT (V)
- Robert Stout, DVM -- Proxy for the Commissioner of Agriculture (V)

DEPARTMENT OF AGRICULTURE STAFF PRESENT

- Joe Bilby, Legal Counsel (V)
- Michelle Shane, Executive Director (V)

OTHERS PRESENT

- Loran Wagoner, DVM, Board Investigator (V)
- Debra Hamelback, KVMA Executive Director (V)
- Dr. Bonnie Barr, KVMA President (A)
- Dr. Jim Weber, KVMA, AVMA Delegate (A)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Dr. Steven Wills, Board Chairman, called the meeting to order at 1:05 PM EDT. Dr. Wills welcomed everyone to the online Zoom meeting.

Michelle Shane read the roll call. All members of the Board were present; a quorum of the Board was noted as achieved.

CONFIRMATION OF PUBLIC NOTICE

Mrs. Shane confirmed the public notice for this meeting was sent on Tuesday, March 24, 2020, to the Kentucky Department of Agriculture (KDA) media contact list.



READING OF MISSION STATEMENT

Mrs. Shane read aloud the Board's mission statement.

SARS-CoV-2 / COVID-19 Statement and Discussion

The Board discussed the Governor's Executive Orders issued during the COVID-19 State of Emergency and how those orders impact the practice of veterinary medicine. The Governor has frequently included the practice of veterinary medicine in agriculture, indicating that the practice is an essential service. However, no business is exempted from the orders on social distancing or the directive to conserve consumable PPE, including veterinary medicine.

There are numerous complaints and inquiries to the Board's office from individuals trying to understand what is allowable under "essential services" and what is "elective" in nature.

The Board just published a new web page on its site at www.kybve.com/Kentucky-Veterinary-Covid-19-updates.html to consolidate Board announcements and resources.

CONSENT AGENDA

- Board Meeting Minutes from January 23, 2020
- Budget Expenditures since last meeting
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem

A MOTION was made by Tim Gardner to approve the consent agenda. The motion, seconded by Gene Smith, passed unanimously by roll call vote, as follows:

- ✓ Chairman Steven J. Wills, DVM – Aye
- ✓ Gene Smith, DVM – Aye
- ✓ Dale Eckert, DVM – Aye
- ✓ Tim Gardner, DVM – Aye
- ✓ Leah Miller, DVM – Aye
- ✓ Judith Piazza, Citizen-at-Large – Aye
- ✓ Jeff Pumphrey, DVM – Aye
- ✓ Amanda H. Rowland, DVM – Aye
- ✓ Amy J. Staton, EdD, LVT – Aye
- ✓ Robert Stout, DVM – Aye

The Budget expenditures and revenue approved are summarized as follows for F.Y. 2020, July 1 through January 13:

- Receipts = \$62,775
- Expenditures = \$170,397
- Current Balance = \$1,057,086

The Applications Committee Reports and approved applications are as follows in the 1) Table of Approved Applicants, and 2) Table of Approved CE Requests. The Board approved 12 veterinarian, two (2) veterinary technician, and four (4) animal euthanasia specialist applications. The Board approved 37.5 hours of CE for veterinarians and veterinary technicians.

Table of Approved Applicants				
	First Name	Last Name	License Type	App. Type
1	Stasia A.	Bembenek-Bailey	Veterinarian	Endorsement
2	Lauren	Bowling	Veterinarian	Endorsement
3	Corinne E.	Crosby	Veterinarian	New
4	Caitlin M.	Lawson	Veterinarian	Foreign Grad.
5	Fernando J.	Marques	Veterinarian	Foreign Grad.
6	Monty D.	McInturff	Veterinarian	Reinstatement
7	Kyle N.	Restle	Veterinarian	Reinstatement
8	Lauren S.	Rexing	Veterinarian	New
9	Brittnee A.	Sayler	Veterinarian	New
10	Chase A.	Watiker	Veterinarian	Endorsement
11	Nichole D.	Whitfill	Veterinarian	Endorsement
12	Taylor	Wickware	Veterinarian	Endorsement
13	Phoebe L.	Campbell	Veterinary Technician	Reinstatement
14	Jacyln L.	Claxton	Veterinary Technician	Reinstatement
15	Tri-County Animal Shelter		Animal Control Facility	Reinstatement
16	Jaclyn L.	Claxton	Euthanasia Specialist	New
17	Kala A.	Hardin	Euthanasia Specialist	New
18	Tosha R.	McKay	Euthanasia Specialist	New
19	Dora L.	Wilder	Euthanasia Specialist	New

Table of Approved CE Requests				
Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
		Vet	Vet Techs	
Nutritional Management of LUTD in Dogs and Cats	BluePearl	2	2	2/27/2020
Suffering in Silence: Osteoarthritis and Pain in Cats	Cincinnati VMA	2	-	3/24/2020
37th Annual Twin Lakes Veterinary Conference	Jackson Purchase VMA	15	15	3/14-15/2020
KY One Health Conference	Kentucky Department of Agriculture (KDA) & the Office of the State Veterinarian (OSV)	6.5	6.5	3/3/2020
10th Annual KVTA Spring Fling	Kentucky Veterinary Technician Association (KVTA)	-	4	4/18/2020
Rood & Riddle Repro Med Seminar 2020	Rood & Riddle	2	-	2/27/2020
Osteoarthritis: Degenerative Joint Disease	Vetoquinol USA	2	2	4/29/2020
Fear Free Dermatology	Zoetis	2	2	3/2/2020 & 3/3/2020
Introducing ... Simparica Trio	Zoetis	2	2	4/1/2020
Suffering in Silence - Osteoarthritis and Pain in Cats	Zoetis	2	2	3/23/2020 & 3/24/2020
The Diagnostic Approach to the Pruritic Dog	Zoetis	2	2	3/3/2020

BUSINESS AGENDA

BUDGET MATTERS

- **New tablet quote.** The quote provided by Dell could not be fulfilled as the provider did not have enough inventory and would not be getting more of this type of tablet in stock. A new quote for an upgraded tablet was discussed.

A MOTION was made by Gene Smith to approve the increased costs for purchasing tablets for Board Member use during meeting, not to exceed a total of \$16,000. The motion, seconded by Tim Gardner, passed unanimously by roll call vote, as follows:

- ✓ Chairman Steven J. Wills, DVM – Aye
- ✓ Gene Smith, DVM – Aye
- ✓ Dale Eckert, DVM – Aye
- ✓ Tim Gardner, DVM – Aye
- ✓ Leah Miller, DVM – Aye
- ✓ Judith Piazza, Citizen-at-Large – Aye
- ✓ Jeff Pumphrey, DVM – Aye
- ✓ Amanda H. Rowland, DVM – Aye
- ✓ Amy J. Staton, EdD, LVT – Aye
- ✓ Robert Stout, DVM – Aye

- **Administrative Services MOA renewal with KDA.** Chairman Wills introduced Kentucky Department of Agriculture (KDA) Chief of Staff, Keith Rogers. Mr. Rogers introduced the proposal for the Administrative Services contract renewal, and answered questions from the Board.

Joe Bilby reviewed that the Board is operating today under [Executive Order 2020-215](#) and [KRS 61.823](#) due to the current State of Emergency in Kentucky, as well as the public open records act.

A MOTION was made by Tim Gardner to move into Executive Session. The motion, seconded by Dale Eckert, passed unanimously by voice vote.

The Board moved into Executive Session at 1:55 PM.

The Board returned from Executive Session at 2:25 pm.

A MOTION was made by Tim Gardner to set the executive director's salary to \$68,234.40. The motion, seconded by Dale Eckert, passed by voice vote.

A MOTION was made by Gene Smith to approve the administrative services MOA contract renewal with the Kentucky Department of Agriculture. The motion, seconded by Amanda Rowland, passed by roll call vote, as follows:

- ✓ Chairman Steven J. Wills, DVM – Aye
- ✓ Gene Smith, DVM – Aye
- ✓ Dale Eckert, DVM – Aye
- ✓ Tim Gardner, DVM – Aye
- ✓ Leah Miller, DVM – Aye
- ✓ Judith Piazza, Citizen-at-Large – Aye
- ✓ Jeff Pumphrey, DVM – Aye
- ✓ Amanda H. Rowland, DVM – Aye
- ✓ Amy J. Staton, EdD, LVT – Aye
- ✓ Robert Stout, DVM – Abstain

- **PSC with KVMA – Education and Outreach Initiative Update.** The MOA contract is not possible, because KVMA is a 501(c)6 and not a 501(c)3. Staff has pursued the option to sign a not-practical to bid contract and received the following approvals:
 - Government Contract Review Committee – 3/10/2020 – Approval grants request to exempt from Committee Policy Statement #99-4, allowing the contract to cross the biennium – approval is good until 12/31/2020.
 - Finance Administration Cabinet – 3/5/2020 – Approved for a not-practical to bid contract with KVMA

A MOTION was made by Amy Staton to approve the education and outreach PSC with the Kentucky Veterinary Medical Association, not to exceed \$20,000. The motion, seconded by Gene Smith, passed by roll call vote, as follows:

- ✓ Chairman Steven J. Wills, DVM – Aye
 - ✓ Gene Smith, DVM – Aye
 - ✓ Dale Eckert, DVM – Aye
 - ✓ Tim Gardner, DVM – Aye
 - ✓ Leah Miller, DVM – Abstain
 - ✓ Judith Piazza, Citizen-at-Large – Aye
 - ✓ Jeff Pumphrey, DVM – Aye
 - ✓ Amanda H. Rowland, DVM – Aye
 - ✓ Amy J. Staton, EdD, LVT – Aye
 - ✓ Robert Stout, DVM – Abstain
- **RFP deadlines – current submission is by March 31.**
 - Intervention / Prevention Services (Wellness)
 - Strategic Planning Services

Ms. Shane relayed a request for the Board to offer deadline extensions to the current open RFPs. She noted that the submissions may be submitted by mail, and extending the deadline would penalize those who have already submitted packages as they would need to submit additional paperwork. The Board discussed this option, and determined to keep the deadlines

- **Option to re-post RFP for Investigator Services seeking additional contractors**
Two bids have been selected to interview via Zoom Meeting next week. The Board decided to hold off on re-advertising the RFP until later in the year, if needed.

- **Council on Licensure, Enforcement & Regulation (CLEAR)**
This is the organization which hosts Investigator trainings (1 basic and 3 specialized areas, plus added modules) as well as additional training options for ED (executive leadership program), Board Members (board member training / regulatory governance), and webinars, etc. While CLEAR does offer 20% discount for members on these courses, the Board determined that paying the \$740 annual membership dues did not offer enough savings to warrant membership at this time.

LEGISLATIVE BRIEFING

- **KBVE New regulations**
 - Administrative Regulation Review Subcommittee – 3/9
 - Referred for Committee Review Period – 4/1
 - Effective date – 6/2
- **HB 352 – Budget Bill**
 - House Comm. Substitute 1 – passed House Comm. – removed all Boards sweeps
 - Senate Comm. Substitute 1 – received in Senate – removed all Boards sweeps
 - Tentative Conference Comm. Appointed in Senate – 3/19
- **HB 346 – Animal massage licensure provisions**
 - House Comm. Substitute 1 - Animal massage licensure removed from Bill – passed House – 3/9
 - Completed Second Reading in Senate L&O Comm. – 3/18
 - There is supposed to be a working group starting in May, organized and led by Babbage Cofounder, to further explore animal massage licensure
- **HB 108 / SB 21 – Animal abuse bill**
 - Passed Senate Rules Comm. With Senate Comm. Substitute 2
 - Second reading in House – 3/18
- **FYI Bills:**
 - **HB 214** – Veterinary Contract Spaces appropriations
 - Signed by Governor 3/11
 - **HB 376** – Sales / use taxes exempting small animal vets & pet adoption fees
 - Introduced to Appropriations & Revenue (H) – 2/6
 - **HB 416** – Taxation - amends KRS 139.200 to remove the tax on small animal veterinary services and to make other various services taxable
 - Introduced to Appropriations & Revenue (H) – 2/14

OLD BUSINESS

- **2020 Renewal Cycle Question**

The Board discussed and then directed staff to include the question below in the 2020 renewal application for veterinarians.

2020 Renewal Question: In 2020, the Kentucky Board of Veterinary Examiners promulgated a new set of administrative regulations. What is the citation for these new regulations, and where can you find copies? Be sure to familiarize yourself with the new regulations, and read the full Code of Ethics for your profession.”

- **Euthanasia Course Review update - Education & Outreach Committee**

Ms. Amy Staton presented an update about ongoing review of Board approved euthanasia courses. The Board discussed this topic, highlighting the following important points:

- Concern that veterinary technicians, who receive at least a two-year degree, are not authorized to handle the drugs for or preform euthanasia even under the direct supervision of a veterinarian, but lay people without a medical background can get 16-hours of training (with no annual CE requirement) and a certificate from the Board, and they are authorized to handle and use euthanasia drugs.
- Consider making one course for all instructors to use so that everyone gets trained to the same standard of care.
- All instructors should emphasize that ketamine is not an approved drug for animal shelters.
- All courses should include a hands-on portion of training.

The Board directed staff to contact Dr. Shantila Rexroat with the order to cease course instruction until such time as the class may be retooled to meet the 16-hour requirement. Additionally, the Board also requested to have Dr. Rexroat appear before the Board to discuss her course contents.

LICENSURE STATUS REPORT

Mrs. Shane provided an overview of the current license numbers. As of March 24, 2020, the total active licenses were as follows:

- Veterinarians. 2,563 active licenses, up 14 licenses from the last report, and up 183 from the same time period in 2019;
- Veterinary Technicians. 442 active licenses, up 14 licenses from the last report, and up 25 licenses from the same time period in 2019;
- Certified Animal Control Agencies. 59 active certificates, up one from the last report, and one less than the same time period in 2019; and
- Certified Animal Euthanasia Specialists. 220 active certificates, up five (5) from the last report, and up three (3) licenses from the same period in 2019.

WELLNESS COMMITTEE REPORT

Judith Piazza presented the report from the Wellness Committee. One licensee completed the program. The Board would like to learn more about KYPRN's contract details, length, and repercussions for missing appointments.

SALES REPORTS

Investigator Dr. Loran Wagoner presented the Sales Report.

- **2020 Fasig-Tipton.** No foreign veterinarians reviewing radiographs at this sale, possibly the first time during Dr. Wagoner's tenure as a Board inspector.

COMPLAINTS SCREENING COMMITTEE REPORT

Legal Counsel Joe Bilby presented the Complaints Screening Committee Report.

- **2018-21** – ongoing, Hearing scheduled
- **2019-09** – closed pending signature on settlement agreement
- **2019-11** – tabled
- **2019-13** – tabled – Michelle to research other states
- **2019-15** – ongoing
- **2019-21** – ongoing
- **2019-32** – ongoing
- **2019-35** – dismissal
- **2019-37** – ongoing
- **2020-01** – dismissed
- **2020-02** – ongoing; directs Dr. Wagoner to investigate
- **2020-03** – ongoing
- **2020-04** – ongoing – Cease and Desist Letter
- **2020-05** – ongoing

A MOTION was made by Tim Gardner to approve the recommendations of the Complaints Screening Committee. The motion, seconded by Jeff Pumphrey, passed by roll call vote, as follows:

- ✓ Chairman Steven J. Wills, DVM – Aye
- ✓ Gene Smith, DVM – Abstain
- ✓ Dale Eckert, DVM – Aye
- ✓ Tim Gardner, DVM – Aye
- ✓ Leah Miller, DVM – Aye
- ✓ Judith Piazza, Citizen-at-Large – Aye
- ✓ Jeff Pumphrey, DVM – Aye
- ✓ Amanda H. Rowland, DVM – Aye
- ✓ Amy J. Staton, EdD, LVT – Aye
- ✓ Robert Stout, DVM – Aye

OPEN DISCUSSION / NEW BUSINESS

- **Questions pending from the Board's Office**

- **AAVSB as a Document Source Verifier**

201 KAR 16:540, Section 1(2) states "Licensure verifications from all jurisdictions in which an applicant once held or currently holds a license as a veterinarian."

The Board directed office staff to accept the consolidated verification packages from AAVSB when provided by a licensee applicant.

- **Prescribing Controlled Substances**

The Board discussed a query from a licensee about prescribing controlled substances within a valid VCPR, and time frames used for refills. The Board directed Ms. Shane to gather more information from the DEA and the Kentucky Board of Pharmacy, as well as working to schedule Dr. William Fannin to speak to the Board. This issue will be revisited at the May meeting.

- **Non veterinarian embryo transfer**

The Board discussed an inquiry from a lay person. Dr. Gardner discussed a case from the 1990's where a PhD student was conducting these transfers and was sued by veterinarian. This resulted in the carve out in KRS 321.200(1)(h). Today, this type of procedure is considered non-surgical and a non-veterinarian can perform embryo transfers only under the direct supervision of a licensed veterinarian.

- **Opening Student Veterinary Clinic**

The Board discussed an inquiry from the public about opening a student veterinary clinic. The Board felt there were too many unanswered questions in the query, for example what kind of students, veterinary technicians or vet assistants, or veterinarians? Without further information, the Board determined that students should be directed to existing clinics with a DVM on staff, or the school would need to hire a DVM to be on staff to provide direct supervision of the students. If vet ASSISTANT – no DVM required. NFTA certified? Locust Trace, and one in Louisville.

- **COVID-19 Questions**

- **Query from an animal hospital asking about starting fourth year students early during the COVID-19 State of Emergency if they have passed the NAVLE exam.**

The Board notes that the only provision for Special Permitting is in [KRS 321.201](#), which allows for licensure candidates who have graduated to begin work while they wait on exam results from the NAVLE or other required exam. There is no statute or regulation which allows students who have not yet graduated the opportunity to begin work early with a provisional permit. As graduation from an approved AVMA school is a prerequisite for licensure, the Board is unwilling to make an exception.

Students may only work at the hospital as unlicensed veterinary assistants, and must be under the direct supervision of a veterinarian at all times.

- **Query from a large equine hospital in Kentucky seeking clarity on the Board's COVID-19 State of Emergency directives pertaining to reproductive medicine.**

The Board discussed the general issue of providing lists and approvals for specific surgeries and procedures. The Board was in agreement that it would not generate such lists, because each patient should be judged on a case by case basis to assess the emergent or urgent condition of the individual. Licensees should be using their best professional judgement.

- **Other Discussion**

Mrs. Staton spoke about the Buffalo Trace VMA Conference, and the possibility of cancelling or postponing the meeting due to COVID-19. A decision has not yet been made by the BTVMA Committee.

NEXT MEETING

The **Board called a Special Meeting** to address RFP responses in a timely manner to meet end of fiscal year deadlines; the meeting will occur via Zoom on **Thursday, April 16 at 3:00 PM.**

Next regularly scheduled meeting:

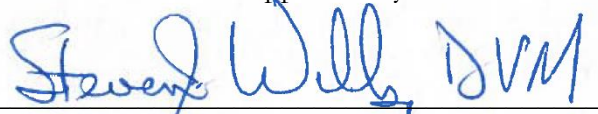
May 28, 2020

Location: TBD

ADJOURNMENT

Chairman Steven Wills adjourned the meeting at 3:45 PM.

These Minutes were approved by the Board on April 16, 2020.


Steven Wills, DVM, Chairman of the Board

PRESIDING OFFICER: Steven Wills, DVM, Chairman

Minutes Recorded by: Michelle Shane

Minutes Reviewed by: Joe Bilby



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Special Meeting Agenda

March 26, 2020 – Special Meeting, per [Executive Order 2020-215](#) & [KRS 61.823](#)

Meeting Location: Video Teleconference Only

- **Join the Zoom Meeting online:**
<https://zoom.us/j/724672742?pwd=UDlSdHloR0JlY3krOEEdpeGMzbnZKUT09>
Meeting ID: 724 672 742
Password: 967252
- **Or dial in @** (929) 436 2866, (312) 626 6799, (669) 900 6833, (253) 215 8782, (301) 715 8592, or (346) 248 7799. If the line is busy, please try a different number.

10:30 AM COMMITTEE MEETINGS – CLOSED TO THE PUBLIC

- Complaints Screening Committee
- Applications Committee

1:00 PM CALL TO ORDER

ROLL CALL / ESTABLISHMENT OF QUORUM

CONFIRMATION OF PUBLIC NOTICE

READING OF MISSION STATEMENT

SARS-CoV-2 / COVID-19 Statement and Discussion

- Board Responses
- Board website
- Questions from the Community

CONSENT AGENDA

- Board Meeting Minutes from January 23, 2020
- Budget Expenditures since last meeting
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem

BUSINESS AGENDA

BUDGET MATTERS

- New tablet quote
- Administrative Services MOA renewal with KDA



- PSC with KVMA – Education and Outreach Initiative
- RFP deadlines – current submission is by March 31
 - Intervention / Prevention Services (Wellness)
 - Strategic Planning Services
- Option to re-post RFP for Investigator Services seeking additional contractors
- Membership with the Council on Licensure, Enforcement & Regulation (CLEAR)

LEGISLATIVE BRIEFING

- **KBVE New regulations**
- **HB 352** – Budget Bill
- **HB 346** – Animal massage licensure provisions
- **HB 108 / SB 21** – Animal abuse bill
- FYI Bills:
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 - **HB 376** – Sales / use taxes exempting small animal vets & pet adoption fees
 - **HB 416** – Taxation - amends KRS 139.200 to remove the tax on small animal veterinary services and to make other various services taxable

OLD BUSINESS

- **2020 Renewal Cycle Question**
- **Euthanasia Course Review update** - Education & Outreach Committee

LICENSURE STATUS REPORT

WELLNESS COMMITTEE REPORT

SALES REPORTS

- **2020 Fasig-Tipton**

COMPLAINTS SCREENING COMMITTEE REPORT

- **2018-21**
- **2019-09**
- **2019-11**
- **2019-13**
- **2019-15**
- **2019-21**
- **2019-32**
- **2019-35**
- **2019-37**

- 2020-01
- 2020-02
- 2020-03
- 2020-04
- 2020-05

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
 - AAVSB as a Document Source Verifier
 - Prescribing Controlled Substances
 - Non veterinarian embryo transfer
 - Opening Student Veterinary Clinic
 - Equine Physical Therapy
- Other Questions for Discussion

NEXT MEETING

Need Special Meeting to address RFP responses – Meeting will occur via Zoom. Possible dates to meet RFP deadlines:

- Tue, April 14
- Wed, April 15
- Thu, April 16
- Fri, April 17

Next regularly scheduled meeting:

May 28, 2020

Location: TBD

CHAIRMAN'S REVIEW

ADJOURNMENT