

KENTUCKY BOARD OF VETERINARY EXAMINERS

107 Corporate Drive, Second Floor, Frankfort, KY 40601 Office: 502-782-0273 • Fax: 502-695-5887

kybve.com • vet@ky.gov

Special Meeting Minutes

February 4, 2021 – 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)
- Dianne Dawes, DVM (V)
- Dale Eckert, DVM (V)
- Tim Gardner, DVM (V)
- Stephanie Kennedy, DVM (V)

- Judith Piazza, Citizen-at-Large (A)
- Jeff Pumphrey, DVM (V)
- Amy J. Staton, EdD, LVT (V)
- Bob Stout, DVM -- Proxy for the Commissioner of Agriculture (V)

DEPARTMENT OF AGRICULTURE STAFF PRESENT

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

OTHERS PRESENT

- Loran Wagoner, DVM, Board Investigator (V)
- MJ Wixsom, DVM, Board Investigator (V)
- Cov St. Clair, DVM, Board Investigator (V)
- Debra Hamelback, KVMA Executive Director (V)

CALL TO ORDER / ROLL CALL / ESTABLISHMENT OF QUORUM

Dr. Steven Wills, Board Chairman, called the meeting to order at 1:00 PM EST. Chairman Wills welcomed everyone to the online Zoom meeting.

Ms. Michelle Shane read the roll call. Per KRS 321.240(2), a quorum of the Board was achieved.

CONFIRMATION OF PUBLIC NOTICE

Ms. Shane confirmed the public notice for this meeting was sent on Tuesday, February 2, 2021, to the Kentucky Department of Agriculture (KDA) media contact list.

READING OF MISSION STATEMENT

Vice Chair Dr. Gene Smith read aloud the Board's mission statement.

NEW BOARD MEMBER(S)

Oath of Office

New Board Member Dr. Dianne Dawes-Torre was sworn into office by Mr. Bilby.

Board Members and staff introduced themselves. Dr. Tim Gardner joined the meeting at 1:06 pm.

ANNUAL ELECTION OF CHAIR AND VICE CHAIR

Per KRS 321.240(1), the Board held annual elections for the Chairmanship and Vice Chairmanship.

A MOTION was made by Ms. Amy Staton to nominate and elect Dr. Steven Wills. The motion, seconded by Dr. Tim Gardner, passed by a majority show of hands.

A MOTION was made by Dr. Jeff Pumphrey to nominate and elect Dr. Gene Smith as Vice Chairman. The motion, seconded by Ms. Staton, passed by a majority show of hands.

CONSENT AGENDA

- Board Meeting Minutes from December 3, 2020
- Budget Expenditures since 12/3 meeting
- Applications Committee Report on New Applications
- Applications Committee Report on New CE Requests
- Approval of Board Per Diem

A MOTION was made by Dr. Gardner to approve the Consent Agenda. The motion, seconded by Dr. Dale Eckert, passed by a majority show of hands.

Budget

The budget expenditures and revenue approved are summarized for F.Y. 2021, July 1, 2020, through January 26, 2021, as follows:

- Receipts = \$524,805
- Expenditures = \$228,674
- Current Balance = \$1,295,924

Applications Committee Reports.

- Report on New Applications
- Report on New CE Requests

The Applications Committee Reports are as follows in Table 1: Approved Applicants for Licensure and Certification, and Table 2: Approved CE Requests. The Board approved 31 veterinarian and 16

veterinary technician applications. The Board approved CE requests for 31.75 hours of CE for veterinarians and 17.25 hours of CE for veterinary technicians.

Table 1: Approved Applicants for Licensure and Certification					
Line No.	First Name	Last Name	License Type	App. Type	
1	Tyler P.	Aschbrenner	Veterinarian	Reinstatement	
2	Whitney L.	Bell	Veterinarian	New	
3	Morgan L.	Brems	Veterinarian	Endorsement	
4	Dixie J.	Burner	Veterinarian	Endorsement	
5	Caitlyn	Carroll	Veterinarian	Endorsement	
6	Emily M.	Crowl	Veterinarian	Endorsement	
7	Molly M.	Evely	Veterinarian	New	
8	Sally A.	Farnsworth	Veterinarian	Endorsement	
9	Scott B.	Fleming	Veterinarian	Reinstatement	
10	Jacob T.	Goodin	Veterinarian	Endorsement	
11	Elizabeth B.	Griffin Tietjens	Veterinarian	Endorsement	
12	Jose L.	Guevara	Veterinarian	Endorsement	
13	Kristen N.	Hillard	Veterinarian	Endorsement	
14	Mary E.	Hudson	Veterinarian	Reinstatement	
15	Brian C.	Hurley	Veterinarian	Endorsement	
16	Katharine A.	Johansen	Veterinarian	Endorsement	
17	Jacqueline A.	Jones	Veterinarian	New	
18	Courtney B.	Karriker	Veterinarian	New	
19	P. Alan	Langill	Veterinarian	Endorsement	
20	Siobhan B.	McAuliffe	Veterinarian	Endorsement	
21	Elizabeth S.	Mullins	Veterinarian	Reinstatement	
22	Kristen E.	Near	Veterinarian	Reinstatement	
23	Shari B.	O'Neill	Veterinarian	Endorsement	
24	Thomas G.	Shemwell	Veterinarian	Reinstatement	
25	Elizabeth A.M.	Shines	Veterinarian	Endorsement	
26	Loryn A.	Smith	Veterinarian	Endorsement	
27	Whitney E.	Vaccari	Veterinarian	Endorsement	
28	Fatima S.	Wazir	Veterinarian	Reinstatement	
29	Amanda M.	Whitney-Holmes	Veterinarian	Endorsement	
30	Pamela S.	Williams	Veterinarian	Reinstatement	
31	Amanda M.	Wilson	Veterinarian	Endorsement	
32	Sarah J.M.	Bobbitt	Veterinary Technician	Endorsement	
33	Carolyn D.	Cabot	Veterinary Technician	Endorsement	
34	Alexandra R.	Conrow	Veterinary Technician	Endorsement	

Line No.	First Name	Last Name	License Type	App. Type
35	Jennifer A.	Davis	Veterinary Technician	New
36	Misty	Hacker	Veterinary Technician	New
37	Megan N.	Huber	Veterinary Technician	New
38	Bobbi Sue	Marlowe-Cox	Veterinary Technician	Endorsement
39	Shannon K.	McGowan	Veterinary Technician	New
40	Margo A.	Mooney	Veterinary Technician	Endorsement
41	Marissa D.	Morris	Veterinary Technician	New
42	Elizabeth A.	Schaffner	Veterinary Technician	New
43	Claire J.	Schmitt	Veterinary Technician	New
44	Suzanne M.	Sheehan	Veterinary Technician	Endorsement
45	Kelli J.	Styles	Veterinary Technician	Endorsement
46	Katlyn M.	Warndorf	Veterinary Technician	New
47	Joy N.	Winstead	Veterinary Technician	Endorsement

Table 2: Approved CE Requests					
		CE Hours Requested			
Course Title	Sponsor / Provider	Vet	Vet Techs	Date of Program(s)	
ATA Webinar Series - Safe Horse Trailers	Animal Transport Association	1.5	-	10/29/2020	
ISDVMA Sled Dog Vet Training Seminar	BluePearl Veterinary Partners	12	-	3/2-4/2021	
Wine, Cheese, and ECGs - Basic Interpretation of ECG's and Identification of Arrhythmias	CareCenter	1.5	1.5	2/17/2021	
Extractions in Dogs & Cats: Indications and Techniques	Cincinnati VMA	2	2	1/26/2021	
2021 10th Annual UK Equine Research Showcase	UK Gluck Equine Research Center	5	5	1/5/2021 1/19/2021 2/2/2021 2/9/2021	
Fifth Tex Cauthen Seminar	UK Gluck Equine Research Center	6.75	6.75	1/24/2021	

Course Title	Sponsor / Provider	CE Hours Requested		Date of Program(s)
University of Kentucky Department of Veterinary Science Seminar Series: "The Importance of Regulatory Medicine" with Dr. Katie Flynn	UK Gluck Equine Research Center	1	1	11/5/2020
Common Causes of a Sick Small Ruminant Animal Besides Parasites - Their Diagnosis, Treatment and Prevention by Dr. Beth Johnson (OSV)	UK Veterinary Diagnostic Lab	1	1	12/15/2020
Be Successful on Purpose	Zoetis	1	-	2/16/2021

BUSINESS AGENDA

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

- COVID-19 Vaccine schedule moved to 1C
- Update on veterinarians being asked to administer vaccine federal government making inquiries, but supply is not there in Kentucky right now.

The Board discussed an update to the standing KBVE COVID-19 Orders. Given that Governor Beshear's E.O.s still stand and the pandemic is ongoing, the Board does not recommend changes from the current protocols.

BUDGET MATTERS

• Allotment Increase Request update

In November 2020, the Board submitted a request to State Budget Director Mr. John Hicks, asking to increase the annual KBVE allotment for the current fiscal year in order to accommodate expenditures approved by the Board, including database upgrades, hiring of new inspectors, and staffing assistance. The request was approved by the State Budget Office through F.Y. 2021, increasing the KBVE allotment from \$275,000 to \$525,000.

• F.Y. 2022 Kentucky General Assembly Budget

The F.Y. 2022 budget introduced by Governor Andy Beshear included the allotment increase for KBVE that was approved for F.Y. 2021. However, the budget bill is under negotiation in the Kentucky House and Senate, and the allotment increase is not guaranteed to remain in place.

• Long-term Temp Assistance

KBVE needs additional office help to process applications, paperwork, and database entry. The temp who worked with Ms. Shane at the end of last year demonstrated that there is enough Board Office work to employ a fulltime staff person. The current contract with KDA allows the hiring of a temp at cost through a temp agency to the Board.

A MOTION was made by Dr. Smith to approve the hiring of a part-time temp not to exceed 30/hr week at a cost of \$16/hr including expenses to the temp hiring agency, and additional funds to KDA for office space and IT equipment per the administrative services contract rate. The motion, seconded by Ms. Judith Piazza, passed unanimously by voice vote.

OLD BUSINESS

Veterinarian and Veterinary Technician Licensure Renewal Update

277 licensees did not renew

- o 249 were veterinarians, and 168 of those list an out-of-state mailing address
- o 28 were veterinary technicians, and six (6) of those list an out-of-state mailing address
- o To date, eight (8) veterinarians and two (2) veterinary technicians have applied to reinstate their license that expired November 30, 2020

Chairman Wills thanked the Applications Committee for their hard work reviewing audited licensees this cycle, as there were more than 300 licenses to review.

For veterinarians, there was broad puzzlement from licensees re online question 11/paper form question 13, i.e.,

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.

There were a high number of calls and emails to the Board Office asking "What are regulations?" and "What is a citation?" The Board agreed that given the responses, there needs to be more outreach and education to licensees on this topic, starting at the graduate level. Efforts are currently underway with Auburn, but may be expanded to other schools who feed a lot of graduates to Kentucky as well as current licensees.

Dr. Bob Stout mentioned that a few years ago KVMA put out a "Blue Book" which listed contact information for Kentucky veterinarians, and included the statutes and regulations for easy reference. Although the KBVE has a downloadable PDF on the Board website, as well as links to individual statutes and regulations hosted on the LRC website, the Board may consider working with KVMA to publish an updated version of the Blue Book.

AAVSB Update

Call for Nominations. There are several open positions with AAVSB Committees. Chairman Wills asked Board Members to review these opportunities and consider signing up to represent Kentucky on the national stage.

Industrial Hemp/Cannabis.

Chairman Wills directed Board Members to review the materials provided in the Board packet, and optionally attend the recommended cannabis course offerings from AVMA. Board members who submit receipts may be reimbursed for attending these courses.

LICENSURE STATUS REPORT

- Veterinarians. 2,391 Active licenses, up 34 licenses from the last report, and down 158 from the same time period in 2020; there are also currently 37 Inactive veterinarian licenses and one (1) Special Permit. Eleven (11) veterinarians retired their licenses. The following veterinarians were reported deceased since the December 3, 2020, meeting of the Board:
 - o Scott D. Bennett, DVM deceased 06/04/2020
 - o Mary A.L. Turner, DVM deceased 01/10/2021
- Veterinary Technicians. 449 Active licenses, up 17 licenses from the last report, and up 21 licenses from the same time period in 2020; there are also currently ten (10) Inactive veterinary technician license. Two (2) veterinary technicians retired their license.
- Certified Animal Control Agencies. 53 Active certificates, the same from the last report, and down five (5) from the same time period in 2020; and
- Certified Animal Euthanasia Specialists. 177 Active certificates, down eight (8) from the last report, and down 38 from the same period in 2020; there are also currently 14 Inactive animal euthanasia specialist certificates.

APPLICATIONS COMMITTEE REPORT

- Provisional Approvals. Two applications were provisionally approved due to documents
 delayed from COVID; should these documents not be in good standing, the licensee would
 have their license revoked.
- Reinstatements and disciplinary action.
 - o 277 licensees who did not renew were sent Cease and Desist letters
 - For the 81 licensees listing a Kentucky mailing address, if they apply for reinstatement, the Board decided to refer such applicants to the Complaints Screening Committee to explore penalties for the time they practiced without a license. Any such referral shall not delay the reinstatement application.

WELLNESS COMMITTEE REPORT

Ms. Piazza provided an update on the Wellness Report. Mr. Bilby and Ms. Shane provided supplementary information about case progress on two licensees.

GOVERNMENT AFFAIRS COMMITTEE

Practice Act Review Update. Chairman Wills proposed a timeline for review of the Act, as
well as plans to coordinate the review with stakeholders, including feedback from the
KVMA. Initial edits will focus on recommendations from both AVMA and AAVSB
Practice Act Models. Chairman Wills plans to have a complete package for sponsorship by
November. The Board should expect to discuss proposed revisions on the first group of
statutes based on drafts sent out before the March meeting.

EDUCATION AND OUTREACH COMMITTEE

- Euthanasia Course Curriculum Update
 Chairman Wills provided background to new Members on this initiative.
- Ketamine / other substances not allowable in shelters

The Board and Investigators discussed this issue. Besides ketamine, in question are substances such as Xylazine and Rompine. While the <u>2020 AVMA guidance on acceptable euthanasia drugs</u> does mention some of these substances, according to this publication these drugs are not appropriate for cats, dogs, and other typical shelter animals. There is strong concern about the possibility of theft and abuse of ketamine and other drugs.

Chairman Wills directed that a letter be issued to County Judges (in counties where certified animal control agencies exist) detailing the non-allowable drugs. The letter should also include a reminder about 201 KAR 16:550, Section 1(6), the obligation to notify the KBVE within ten (10) days of a change in shelter management. Finally, no compounding of any kind should be occurring by non-veterinarian shelter employees and certified animal euthanasia specialists.

Further, Chairman Wills directed that, where possible, animal control agency contract or employee veterinarians should be reminded that prohibited drugs such as ketamine cannot be stored onsite at the shelter under the shelter's DEA Registration. Licensed veterinarians are authorized to transport controlled drugs from the DEA Registrant location to a shelter and use the drugs onsite, however the drugs must be transported back to the authorized storage location after daily use.

INVESTIGATOR REPORTS

Investigators Coy St. Clair, DVM and MJ Wixsom, DVM presented Periodic Shelter Inspection Reports for the following counties. Both inspectors noted an uptick of ketamine and other non-allowable substances in shelters. Given the increase of these substances in shelters, Investigator consultant C. Loran Wagoner, DVM recommends increasing shelter inspections to annual inspections rather than every other year.

- Allen County
- Barren County-Glasgow
- Bowling Green-Warren County
- Breckinridge County
- Butler County

- Christian County
- Crittenden County
- Hancock County
- Harlan County
- Knox-Whitley County
- Leslie County
- Laurel County
- Logan County
- Marion County
- Marshall County
- McCracken County
- Murray Calloway County
- Nelson County
- Pike County
- Pulaski County
- Taylor County

SALES REPORTS

Keeneland – January

COMPLAINTS SCREENING COMMITTEE REPORT

- **2018-21** monitoring Settlement Agreement
- 2019-11 tabled
- 2019-13 tabled
- **2019-15** ongoing
- **2019-21** monitoring Settlement Agreement
- **2019-37** monitoring Settlement Agreement
- **2020-05** monitoring Settlement Agreement
- 2020-08 tabled pending outcome of federal charges
- **2020-18** ongoing
- 2020-22 dismissed
- **2020-24** ongoing
- 2020-27 dismissed
- **2020-28** dismissed
- 2020-29 tabled pending outcome of federal charges
- 2020-31 tabled
- **2020-32** dismissed
- **2020-34** ongoing
- **2020-35** dismissed
- **2020-36** ongoing
- **2020-41** dismissed

- 2020-42 dismissed
- 2020-43 monitoring Settlement Agreement
- **2020-44** ongoing
- **2020-45** dismissed
- **2020-46** dismissed
- **2020-47** ongoing
- **2020-48** ongoing
- 2020-49 ongoing
- **2020-50** dismissed
- **2020-51** ongoing
- **2021-01** ongoing
- 2021-02 ongoing
- 2021-03 ongoing
- **2021-04** ongoing

Note which ones were assigned to an investigator

A MOTION was made by Ms. Piazza to approve the recommendations of the Complaints Screening Committee. The motion, seconded by Ms. Staton, passed unanimously.

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
 - U.S. Army Reserve Training Mission Project Inquiry "Operation Coal Country"

The Board discussed this project proposal. There was concern that the proposal stated this project had occurred in 2019, but the project organizers did not reach out to the KBVE at that time. The Members of the Board discussed KRS 321.200(1)(e), exemptions from application of chapter, as well as two major concerns:

- 1) The area targeted is not underserved (i.e., there are enough available veterinarians in the project area typically 15-20 min, at most 45 min.), but rather a statistically significant number of citizens in the area may experience financial hardships which makes paying for veterinary care challenging; and
- 2) The visiting Army veterinarians must provide provisions for aftercare, especially in the event the patient has an adverse reaction.

The Board determined that this project will not be approved by KBVE unless certain conditions are met, as follows:

- Provide clarification about the intent of the mission
- Understand the difference between underserved areas and areas of financial hardship
- Provide a plan for provision for aftercare by partnering with local clinics
 - Medical records transfer

- Arrangements for aftercare in the event of adverse reactions or complications following services received from any of the veterinary personnel on this mission
- Submit list of veterinary personnel on the mission and copies of active licenses / jurisdictional verifications held by these individuals
- Outreach to USDA APHIS to determine if there is special training required for food animal work, if that is part of the mission

Rabies Law and Animal Control Officers access to medical records (<u>KRS 321.185(3)</u>, and <u>KRS 258.015</u>)

Under current law, veterinarians are able to share information about the rabies vaccination status of a patient from the medical records as this is a public health issue. Of note, the records themselves are not copied and distributed, but veterinary staff are able to indicate the vaccine status of a patient.

Proposal from UK re CE Course Review

The Members of the Board discussed this request. The Board denies the request, in large part because the KBVE already conducts CE reviews and approvals for free for proposed programs, even retroactively.

Owners vs. caretaker when owner is medically disabled, no POA

The Board discussed this issue. An owner can designate a caretaker or agent without need for a legal document.

- In <u>KRS 321.185</u>, when defining the VCPR, the statute says "owner or other caretaker" without qualification.
- Throughout <u>201 KAR 16:500</u>, there are multiple references to "a patient's owner (or the owner's agent)" without qualification.

NEXT MEETING

March 25, 2021

Online Zoom Meeting

ADJOURNMENT

Chairman Wills adjourned the meeting at 3:23 pm.

These Meeting Minutes were approved by the Board on March 25, 2021.

Steven J. Wills, DVM, Chairman of the Board

PRESIDING OFFICER: Steven J. Wills, DVM, Board Chairman

Minutes Recorded by: Michelle Shane



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Special Meeting Agenda

February 4, 2021 – Special Meeting, per <u>Executive Order 2020-215</u> & <u>KRS 61.823</u> Meeting Location: Video Teleconference Only

• Join the Zoom Meeting online:

https://us02web.zoom.us/j/81867264297?pwd=OGIJSTdKVGZhajV1MHBIOXpvVFIJUT09

Meeting ID: 818 6726 4297

Passcode: 972237

- One tap mobile +13017158592,,81867264297# US (Washington D.C) 13126266799,,81867264297# +US (Chicago)
- Or Dial by your location (any number will work):
 - +1 301 715 8592 US (Washington D.C)
 - +1 312 626 6799 US (Chicago)
 - +1 929 436 2866 US (New York)
 - +1 253 215 8782 US (Tacoma)
 - +1 346 248 7799 US (Houston)
 - +1 669 900 6833 US (San Jose))

Then enter Meeting ID: 818 6726 4297, Passcode: 972237

10:00 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

NEW BOARD MEMBER(S)

Oath of Office

ANNUAL ELECTION OF CHAIR AND VICE CHAIR

Elections

CONSENT AGENDA

- Board Meeting Minutes from December 3, 2020
- Budget Expenditures since 12/3 meeting
- Applications Committee Report on New Applications

- Applications Committee Report on New CE Requests
- Approval of Board Per Diem

BUSINESS AGENDA

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

• COVID-19 Vaccine schedule

BUDGET MATTERS

- Allotment Increase Request update
- F.Y. 2022 Kentucky General Assembly Budget
- Long-term Temp Assistance

OLD BUSINESS

- Vet & Vet Tech Licensure Renewal Update
- AAVSB Update
 - o Call for Nominations
- Industrial Hemp

LICENSURE STATUS REPORT APPLICATIONS COMMITTEE REPORT WELLNESS COMMITTEE REPORT GOVERNMENT AFFAIRS COMMITTEE

Practice Act Review Update

EDUCATION AND OUTREACH COMMITTEE

- Euthanasia Course Curriculum Update
- Ketamine / other substances not allowable in shelters

SALES REPORTS

• Keeneland - January

INVESTIGATOR'S REPORT

Periodic Shelter Inspections:

- Allen County
- Barren County-Glasgow
- Bowling Green-Warren County
- Breckinridge County

- Butler County
- Calloway Animal Shelter
- Calloway County
- Christian County
- Crittenden County
- Daviess County
- Hancock County
- Harlan County
- Knox-Whitley County
- Leslie County
- Laurel County
- Logan County
- Marion County
- Marshall County
- McCracken County
- Nelson County
- Ohio County
- Pike County
- Pulaski County
- Taylor County

COMPLAINTS SCREENING COMMITTEE REPORT

- 2018-21
- 2019-11
- 2019-13
- 2019-15
- 2019-21
- 2019-37
- 2020-05
- 2020-08
- 2020-18
- 2020-22
- 2020-24
- 2020-27
- 2020-28
- 2020-29
- 2020-31
- 2020-32
- 2020-34
- 2020-35
- 2020-36
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- 2020-42
- 2020-43
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- 2020-48
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- 2020-50
- 2020-51
- 2021-01
- 2021-02
- 2021-03
- 2021-04

OPEN DISCUSSION / NEW BUSINESS

- Questions pending from the Board's Office
 - o Army Project Inquiry
 - O Rabies Law and Animal Control Officers access to medical records (KRS 321.185(3), and KRS 258.015)
 - o Proposal from UK re CE
- Other Questions for Discussion

NEXT MEETING

March 25, 2021

Online Zoom Meeting

ADJOURNMENT