

1 **Draft - MINUTES**

2 **KANSAS BOARD OF VETERINARY EXAMINERS**

3 **Wednesday, August 16, 2017**

4 **714 Plum Street; Wamego, Kansas 66547**

5 **Board Meeting**

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9 This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:00 A.M.
10 by Board President Dr. Dodson. Board Members in attendance in addition to Dr. Dodson were
11 Drs. Bogue, Bentz, Kobuszewski, Snyder and Joseph Allen; Dr. Ritter was absent. Also
12 present in Wamego were Drs. Hanson and Hedrick; Konrad Coe, Cheryl Mermis, General
13 Counsel Athena Andaya, Litigation Counsel Tom Nanney.

14
15 Dr. Dodson welcomed and thanked those in attendance.

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17 Dr. Bogue made a motion to adopt the agenda, Dr. Bentz seconded the motion. The motion
18 passed on a voice vote with no dissenting votes.

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20 There was no one present for the public forum.

21
22 Dr. Bentz made a motion to approve the minutes of the 6/4/2017 board meeting, Dr. Snyder
23 seconded the motion. The motion passed on a voice vote with no dissenting votes.

24
25 Dr. Hedrick reported to the board that KBVE contracted with Kansas Information Consortium
26 (KIC) to develop the agency website, the same agency that developed the on-line payment
27 portal [KanForm] for license and premise renewal, by credit card. The website looks good, in
28 time the Internet search engines will overwrite the former web address through KDA. The FAQ
29 page on the agency website is a new page/feature, more content will be added in time.

30
31 TeleHealth will be a topic of discussion at the AAVSB annual meeting that occurs September
32 14-16 in San Antonio Texas, numerous organizations are looking at this issue with effort being
33 made to define TeleHealth and establish guidelines on a national level. The board's discussion
34 centered around the current definition of a VCPR - veterinary-client-patient relationship as
35 defined in the KS veterinary practice act; K.S.A. 47-816(n). Language changes made need to
36 be implemented in statute as information becomes available.

37
38 Regulation changes to K.A.R. 70-1-7, 70-3-1, 70-3-2, 70-3-5, 70-6-1, 70-7-1, and 70-8-1 have
39 been approved by the Dept of Administration and the Attorney General's office. Agency staff
40 will submit all required documentation that includes a notice of hearing to the Secretary of
41 State's office. A public hearing will be scheduled prior to the next Board meeting. Regulations
42 on fee(s) and student testing will be addressed in the coming months.

43
44 Dr. Hedrick provided board members information received from the budget office on what was
45 the agency's FY '17 expenses; the approved expenditure authority for FY'18 is \$348,000.00.
46 There was some discussions about specific line items where there will be some increases and
47 some decreases. Since KBVE is a fee-funded agency, Ms. Andaya reminded the board that
48 KBVE pays 10% of monies collected to the State General Fund-SGF; [K.S.A. 47-820] to
49 reimburse for accounting, auditing, budgeting, legal, payroll, personnel and purchasing
50 services – which are performed on behalf of the KBVE. The board discussed the payment to
51 the SGF and the additional payment to the Attorney General's office for legal services. Ms.

52 Andaya will research the history of 75-3170a – on the purpose of the SGF's ten percent charge
53 to fee agencies.

54

55 Dr. Dodson reminded the group that board members identified five strategic priorities from the
56 strategic planning meetings earlier this year; one of which is providing clear leadership in
57 proposing practice act updates. In previous board meeting there has been discussions
58 centered on equine dentistry/teeth floaters. A board work group studied the issue extensively
59 and felt that equine dentistry did not need to be addressed legislatively at this time. Dr. Bentz
60 relayed the working group felt if agency staff received information or observed laypersons
61 performing equine dentistry/teeth floating, staff would seek advisement from reviewing board
62 members. Local and/or federal law enforcement agencies could be involved when prescription
63 drugs are administered to animals by laypersons.

64 Dr. Hanson reminded board members that the KBVE has cite/fine authority in place over non
65 veterinarian individuals who practice veterinary medicine as defined in K.S.A. 47-816(h) and
66 K.S.A. 47-834 respectively.

67 Dr. Bentz made a motion to have no further board action in regards to lay dentistry. Dr.
68 Kobuszewski seconded the motion. The motion passed on a voice vote with no dissenting
69 votes.

70

71 An additional strategic priority was to foster stronger relationships with stakeholders,
72 collaboration with the KVMA was considered to be an important step. Drs. Dodson and Bentz
73 will independently make contact with KVMA, in an effort to enhance communications.

74

75 Dr. Hedrick will schedule a meeting time with the new appointment secretary in the Governor's
76 Office. Dr. Dodson and Mr. Allen will present the Board's guidelines for promoting a balance to
77 future Board membership.

78

79 Dr. Dodson asked board members to review the strategic priorities and give some thought and
80 suggestions on topics the board should consider.

81

82 Staff Updates:

83 Mr. Coe reported conducting 49 premise inspections from July 1, 2017 through August 11,
84 2017; with 3 deficiencies, 3 OMDR changes, and 1 new clinic. Budgetary constraints at the
85 end of fiscal year required Mr. Coe to spend time in the office assisting with the process license
86 renewals. Konrad reported that his agency laptop has quit functioning and is currently working
87 with OITS in Topeka to secure a replacement.

88

89 Ms. Mermis provided the revenue figures on license, premise, and registration renewals. There
90 is currently a large number of expired veterinary licenses; the agency will incur a large postage
91 expense to send certified – return receipt notice of expiration letters to those practitioners that
92 do not submit their 2017 renewal by August 30; ~ per statute K.S.A. 47-829 (c). There has been
93 a lot of positive feedback from those licensees that utilized the on-line renewal option this year.

94

95 Dr. Hanson reported three new cases have been recently received, there has been no chance
96 to investigate and while the case volume remains low, there is a higher complexity to the
97 current investigations.

98 Defense counsel present in some of the recent investigating interviews slows the process
99 down. Dr. Hanson shared his concern over some of the current litigation cases now before
100 probable cause reviewers. Dr. Hanson and reviewing board members are identifying issues
101 where violations are occurring in areas that are "typically" in the jurisdiction of KDA/Division of
102 Animal Health. The practice act was written for private practice -but in today's world there are
103 humane societies, shelters, and pounds operating more like herd medicine; a veterinarian may
104 have staff perform tasks that the veterinarian would normally do and when that facility is not

105 offering those services to the public, staff can do as directed by the veterinarian. As these
106 facilities become more proactive and start offering services to the public they are not making
107 the transition from herd medicine to private practice medicine. The Board may have to address
108 this issue in statutes and regulations.

109 Dr. Bogue conveyed concerns with recent case review pertaining to institutional licensees.
110 After board discussions, Dr. Dodson asked for volunteers to serve on a taskforce to study the
111 recently identified challenges for institutional licensure and private practice/herd medicine,
112 bringing their recommendations back to the entire board.

113 Drs. Bogue, Kobuszewski and Snyder all agreed to serve on the taskforce.

114

115 When time has been available, Dr. Hanson has been working on the agency's DocuWare®
116 implementation of the cloud-base system, getting document storage and retrieval management
117 in place which complies with the new retention schedule. This process is tedious due to the
118 digitalization of all paper records during the trial merger.

119

120 Dr. Hedrick provided the Board an overview of recent issues including a request from a
121 recently renewed licensee, to have the license renewal fee refunded due to relocating out of
122 state shortly after July 1st. After Board discussion, the license renewal fee is not refundable.

123

124 A pharmacist called the office seeking confirmation of a Kansas license since the individual's
125 name was not depicted on the agency's website as being currently licensed. Staff response
126 was the individual was licensed but it was an institutional veterinary license and that
127 individual's practice activities was limited to their work at KSU.

128

129 The next meetings of the board will be Wednesday, November 8, 2017 at 10:00 A.M in
130 Wamego and Tuesday, January 30, 2018 at 10:00 A.M. in Topeka, at a location yet to be
131 determined.

132

133 Athena updated the Board with details of recently amended sections of the open meetings
134 act. Additionally Athena provided the language for the Board's use when there is a need to
135 go in to executive session and reminded the Board that any violation of the open meetings
136 act is an individual fine, the agency will not pay the \$500 per violation expense.

137

138 At 1:10 P.M. Dr. Bogue made the following motion, In order to protect the privacy of the non-
139 elected personnel involved, I move that the Board recess into executive session to discuss
140 personnel matters. We require Jay Hedrick and Athena Andaya to be admitted to the
141 executive session, when requested, to aid the Board in their discussions. The Board will
142 reconvene the open meeting in this same location in 20 minutes and will resume at 1:30 P.M.
143 Dr. Bentz seconded the motion. The motion passed on a voice vote with no dissenting votes.
144 After the open meeting resumed Dr Bogue made a motion to adjourn the meeting with Dr.
145 Snyder seconding the motion. The motion passed on a voice vote with no dissenting votes.
146 Meeting adjourned at 1:34 P.M.

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Signed Sheila M. Dodson 11/8/17