

1 **MINUTES**

2 **KANSAS BOARD OF VETERINARY EXAMINERS**

3 **Wednesday, November 14, 2018**

4 **714 Plum St**
5 **Wamego, Kansas**

6 **Board Meeting**
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10 This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:01
11 A.M. by Board President Dr. Dodson. Board Members in attendance in addition to Dr.
12 Dodson were Drs. Bentz, Flowers, Kobuszewski, Ritter, Snyder and Joe Allen. Also
13 present in Manhattan were Dr. Hedrick; Konrad Coe, Cheryl Mermis, Matthew
14 Provencher, General Counsel Athena Andaya, Litigation Counsel Jane Weiler.
15 GUESTS: Ronald L. Kutter, DVM and Lori Kutter.

16
17 Dr. Dodson welcomed and thanked those in attendance, then read the mission
18 statement and agency philosophy.
19

20 Dr. Dodson announced that there were be no need for an executive session; item O was
21 removed from the agenda. Dr. Flowers made a motion to adopt the agenda and Dr.
22 Kobuszewski seconded the motion. The motion passed on a voice vote with no
23 dissenting votes.
24

25 Dr. Ronald Kutter appeared before the board to obtain clarification on practice ownership
26 in the event of the death of a practice owner, which is an agenda item for this meeting.
27

28 Dr. Flowers made a motion to approve the board minutes from the 8/22/2018 board
29 meeting, Dr. Ritter seconded the motion. The motion passed on a voice vote with no
30 dissenting votes.
31

32 Dr. Hedrick informed the board that there has been an inquiry from the family of a
33 recently deceased practitioner; the family would like to know if they can charge a fee for
34 client records. General Counsel Andaya relayed the Board has no jurisdiction and it is a
35 non-issue.
36

37 A licensee that is working at a zoo made an inquiry- to agency staff about the need for
38 that location to be a registered veterinary premise. Because the animals are owned by
39 the city and the facility is not providing services to the general public there is no need for
40 that location to be registered. The licensee is subject to records audits, by the agency
41 premise inspector, as it relates to an ambulatory practitioner.
42

43 A Practice Act review by Ms. Andaya concluded there is no prohibition of a non-
44 veterinarian owning a veterinary practice. Dr. Bentz made a motion to eliminate the
45 policy- Transfer of a Practice; adopted in October 2003, Dr. Ritter seconded the motion.
46 The motion passed on a voice vote with no dissenting votes.
47
48

49 There was some discussion about the necessity of an OMDR-operating managing
50 doctor of a registered veterinary premise, residing in the state. Ms. Andaya will
51 research the issue and report back to the board.

52
53 Dr. Hedrick informed the Board that a potential applicant contacted agency staff to
54 inquire about the ability to obtain a KANSAS veterinary license; the individual disclosed
55 that they had to take the national exam six times before passing and that they have a
56 current license in another state.

57 ~ According to K.A.R. 70-3-5. **Failing any examination.** *A candidate for licensure shall*
58 *not be admitted to take any examination more than five times. No applicant may retake*
59 *any examination more than five years after that individual's initial attempt, except that*
60 *the fourth and fifth attempts shall be at least one year after the previous attempt.*
61 *(Authorized by and implementing K.S.A. 2016 Supp. 47-825; effective Jan. 1, 1974;*
62 *amended Dec.22, 2017.)*

63 **And**

64 **[excerpt] K.S.A.47-824 Application for license; issuance of license; qualifications.**

65 (a) *Any person desiring a license to practice veterinary medicine in this state shall make*
66 *written application to the board on forms provided for that purpose. The board shall*
67 *issue a license to practice veterinary medicine to an applicant who:*

68 (b) *If the applicant graduated from a school of veterinary medicine more than five years*
69 *prior to the year in which the application is submitted, the application shall show proof*
70 *that:*

71 (1) *The applicant has actively practiced veterinary medicine for at least 3,000 hours*
72 *during the three years immediately preceding such application; or*

73 (2) *the applicant has passed the examination or examinations prescribed by the board*
74 *within the five years preceding such application.*

75 Ms. Andaya provided some clarification on the statute and relayed that the review
76 committee has the final decision. The review committee looks at each applicant for
77 licensure and or registration on a case-by-case basis.

78
79 Ms. Andaya advised the Board that PAVE would have to be added to Regulation in
80 order for the Review Committee to approve an application for licensure.

81 Ms. Andaya will look in to whether Article 4 of the Regulations should be revised and
82 report back to the Board.

83
84 Joe Allen attended the AAVSB annual conference in September, serving his second
85 year on the AAVSB By-laws Committee. Mr. Allen gave an overview report of the
86 topics that were addressed at the conference and disclosed that there is a revision to
87 the AAVSB Practice Act Model, specific to the definition of the Veterinarian-Client-
88 Patient Relationship (VCPR) to better align with the Code of Federal Regulations
89 (CFR) while still providing guidance to Member Boards as it helps when considering
90 changes to statutes or regulations. . Mr. Allen reminded the Board members about
91 the resources and guidelines available through AAVSB as KBVE addresses
92 Telehealth.

93
94 Dr. Hedrick reported that KSU and Colby Community College has made a title change
95 from veterinary technicians to veterinary nurse. Ms. Andaya advised board members,
96 any title change or defining scope of practice for veterinary technicians would have to
97 go through the Legislature for statutory changes. After some lengthy discussion

Legislature SD

98 concerning licensing verses registration of veterinary technicians, Dr. Dodson asked
99 Dr. Hedrick to provide board members more information about what other states are
100 doing with regards to regulating veterinary technicians.

101

102 Strategic Plan UPDATES:

103 Dr. Snyder reported that he, Dr. Bentz and Ms. Andaya had a discussion about equine
104 teeth floaters, relaying that KBVE has no authority of non-licensed individuals' use of
105 drugs but KBVE has authority of veterinarians selling prescription drugs to an
106 unlicensed individuals. After discussion, the Board directed the agency staff to
107 conduct an investigation following a complaint, with focus on the administration of
108 prescription drugs by a non-licensed individual and coordinate local law enforcement
109 involvement for possible prosecution.

110

111 Dr. Hedrick reports that he anticipates the public posting of board orders will be on the
112 agency website by the end of the year [2018].

113

114 STAFF REPORTS

115 Ms. Mermis provided board members an overview of office activities since the last
116 board meeting. On 10/17/2018 over 2443 emails were sent to licensees, the **Fall 2018**
117 **KBVE Newsletter**; topics of the communication consisted of records review—“*Each*
118 *veterinarian shall maintain records in a manner that will permit any authorized*
119 *veterinarian to proceed with the care and treatment of the animal, if required, by reading*
120 *the medical record that particular patient.*”; defining registered veterinary premise; and
121 presenting a focus for practitioners to prepare for an orderly transfer of responsibilities
122 associated with owning/managing a veterinary practice. Current numbers are: 2680
123 licensed veterinarians, 556 registered veterinary technicians, and 532 registered
124 veterinary premises.

125

126 Konrad Coe gave his premise inspection report, providing the Board comparison
127 numbers of inspections for fiscal year[s] 2017 and 2018. Beginning July 1, 2018
128 through November 14, 2018 there have 140 premise inspections; 3 deficiencies, 3
129 OMDR changes, 4 new clinics, and 5 follow-up inspections. The Fall 2018 KBVE
130 Newsletter stimulated multiple inquiries from a licensees. A resulting inspection visit
131 involving Mr. Coe and Dr. Hedrick led to an application for premise registration from a
132 facility with five practitioners. Mr. Coe has received additional calls that will lead to
133 additional premise registration applications.

134

135 Matthew Provencher reported 2 open investigations; 6 probable cause meetings: 3
136 cases where probable cause was found and 1 case where there was no violations
137 identified. There have been 9 new complaints since the last board meeting [8/22/2018];
138 1 closed case/no jurisdiction. There are 5 current/open complaint cases under
139 investigation and 4 cases are being monitored for compliance.

140

141 Dr. Hedrick is working with Ms. Andaya on obtaining KBVE authority to confiscate and
142 destroy prescription drugs when the need arises; currently the Pharmacy Board does
143 not have a set policy. KBVE staff has been authorized to destroy controlled drugs upon
144 a request of a licensee.

145 Dr. Hedrick and board members are reviewing staff job descriptions and making some
146 revisions.

147 Next meeting[s] of the board will be Monday-January 21 and Tuesday-January 22, 2019
148 in Topeka, time and a definitive location will be announced at a later date.
149 Dr. Bentz made a motion to adjourn the meeting at 1:21 P.M., and Dr. Ritter seconded
150 the motion. The motion passed on a voice vote with no dissenting votes.

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Signed Sheila M. Dodson Date 1/21/19

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