

1 **KANSAS BOARD OF VETERINARY EXAMINERS**

2 **Wednesday, November 13, 2019**

3 **714 Plum Street; Wamego, Kansas 66547**

4 **Board Meeting**

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8 This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:05  
9 A.M. by Board President Sheila Dodson. Board Members in attendance in addition to Dr.  
10 Dodson were Drs. Bentz, Flowers, Kobuszewski, and Ritter. Mr. Allen participated by  
11 conference call. Dr. Snyder was absent. Also present in Wamego were Dr. Johnson,  
12 Konrad Coe, Cheryl Mermis, Matthew Provencher, General Counsel Charles Macheers,  
13 and Litigation Counsel Jane Weiler. No members of the public attended.

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15 Dr. Dodson opened the meeting by reading the Mission and Philosophy Statement of the  
16 Board. Dr. Dodson thanked those in attendance.

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18 The agenda was amended as follows: H. Budget Review, I. On-Line Renewal, J. Strategic  
19 Plan Review, K. Probably Cause Committee Selection, L. Staff Reports, K. Executive  
20 Session Attorney/client communication, M. Future Meeting Dates, and N. Executive  
21 Session Personnel. Dr. Bentz made a motion to adopt the agenda as amended and Dr.  
22 Ritter seconded the motion. The motion passed on a voice vote with no dissenting votes.

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24 Dr. Bentz made a motion to approve board minutes from the 8/14/2019 meeting in  
25 Wamego, KS. Dr. Flowers seconded the motion. The motion passed on a voice vote  
26 with no dissenting votes.

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28 Mr. Allen commented on his experience at the AAVSB meeting in St. Louis. Dr. Ritter  
29 also attended AAVSB as the delegate and Dr. Johnson was the alternate delegate. Dr.  
30 Johnson commented on the development of RACEtrack by AAVSB wherein RACE  
31 approved continuing education will be captured by AAVSB and made available to member  
32 organizations to validate the continuing education compliance for license renewal for  
33 veterinarians and veterinary technicians. It will be free for Member Boards and licensees.  
34 Dr. Flowers has agreed to attend Board Basics 101 in April at AAVSB in Kansas City.

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36 Mr. Macheers reviewed the statutes that only a professional can own a professional  
37 corporation. This is found in K.S.A. 17-2706, K.S.A. 56-101, and K. S.A. 74-816 (p), (q).  
38 If the veterinarian dies, a professional corporation can revert to a regular corporation and  
39 the spouse, if not a professional, can dissolve the corporation or sell it. It is in the Kansas  
40 Corporation Code that all partners must be professionals.

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42 There are 3 proposed regulations on fees, two proposed regulations on  
43 Operating/Managing Doctor (OMDR), and three proposed regulations covering  
44 technicians that can be proposed as rules and regulations.

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46 Dr. Johnson covered the review of the Budget. The Budget Planner indicated that FY  
47 2021 and FY2022 had several months that are projected to be in the red. At this time the  
48 FY2020 Budget was corrected to be within the limits approved by the Legislature.

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Dr. Dodson covered the Strategic Plan goals and tasks that were assigned to Board members. Equine dentistry and telemedicine were two topics. The governor's office has been informed of the Strategic plan in regard to creating a more balanced Board through geographical appointments, male/female ratio of the Board, and practice type. A list of common violations was requested. A need for Frequently Asked Questions (FAQ) to be placed on our website for educational purposes. There is a need for consistency in the guidelines for sanctions, advertisement, impairment, and patient records as well as fines for sanctions. Recommendations are needed for a starting point.

A discussion was held regarding the mobile veterinary records audit fee. Konrad will send out a letter to the ambulatory veterinarians concerning the need to pay the \$75 inspection fee which would include having their records reviewed and unit inspected before they can renew their Kansas license.

Dr, Kobuszewski stated the following: Madam Chairperson, I move that the Board recess into executive session pursuant to K.S.A. 2018 Supp. 75-4319(b)(2) for consultation with our counsel, Charles Macheers, Assistant Attorney General, and Jane Weiler, Assistant Attorney General, to seek legal advice on a matter protected by the attorney-client privilege related to internal procedures and statutory compliance. In addition, I move that Dr. Jody Johnson, who is part of the client circle, be present in the executive session to aid the Board in its discussion. The Board will convene the open meeting in the Board's conference room located at 714 Plum St., Wamego, KS, at 12:50 p.m. Date: November 13, 2019. Beginning Time of Recess 12:04 p.m. Motion made by Dr. Kobuszewski, . Motion was seconded by Dr. Benz and passed by unanimous vote.

Meeting was resumed at 12:50 p.m.

It was moved by Dr. Ritter moved and Dr. Kobuszewski seconded that Konrad would be authorized to write a letter of warning if a premise was found to be non-compliant and Dr. Johnson would be the person to sign an order if there were stipulations found on license application or renewal. Motion passed by unanimous vote.

The Probable Cause (PC) Committee procedures will be changing. There will be two separate PC Committees composed of a team of 3 Board members who are veterinarians. The PC Team would then alternate every three months (or quarter). If there is a recusal then Mr. Allen would be used as the alternate. One of the Committee members would be appointed each month to read the complaint and decide if there is probable cause to pursue an investigation. If no violation was found, Dr. Johnson as Executive Director, would notify the complainant with a letter closing the case. Dr. Flowers moved and Dr. Kobuszewski seconded the motion. Four were in favor and Dr. Bentz was not in favor of the motion. Motion passed.

Probable Cause Committee members can review prior violations for a clinic or a veterinarian. This statement should be added to the Policy and Procedures manual.

Obtaining a written statement in response to the complaint from the veterinarian aided our legal counsel. The Board members felt there was also value in a video. Our investigator was instructed to go to a facility with the complaint, ask for the patient records

98 and leave a set of written questions tailored to the case with the veterinarian. The  
99 veterinarian would have 30 days to respond to the questions. It would be a violation if  
100 the veterinarian did not respond within that time period. Dr. Ritter moved and Dr. Flowers  
101 seconded this motion. Motion passed on a voice vote with no dissenting votes.  
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103 Cheryl Mermis gave her staff report. A written document was sent out with the agenda  
104 covering Historical Data on the NAVLE taken by KSU students by year. A report of the  
105 2019 License Renewal period was given with 2,683 DVM's renewed (64 institutional  
106 licensees), 529 premises, and 584 registered technicians. A listing of 1,072 of the  
107 veterinarians with Kansas licenses who did not live in Kansas was given by state or  
108 country of residency.  
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110 Konrad Coe gave his report on premises inspected since the last meeting. He has  
111 inspected 89 premises with 1 deficiency, 1 new OMDR issued, and 3 ambulatory  
112 inspections. There were 3 new premises inspected and 3 follow up inspections. He gave  
113 the Board members a copy of the new inspection form that he will leave with the OMDR  
114 at the time he inspects the premise. The cover sheet with the notations of any  
115 deficiencies, the specific records inspected, the controlled substances inspection and the  
116 controlled substance log reviewed, would be returned to the office. Each regulation that  
117 is in the statutes is listed and would be checked as "NC" if it was not in compliance. A  
118 letter stating any issue found would then be generated and the OMDR would have 30  
119 days to respond as to the corrective measures being taken to come into compliance. An  
120 unannounced follow up inspection would then be scheduled. An FAQ should be placed  
121 on the website concerning premise inspection, as well as one on K.A.R. 70-1 highlighting  
122 "Mobile Veterinary Clinic", and one on controlled substances and the need to do a monthly  
123 check.  
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125 Matthew Provencher gave a report. He has reviewed 15 cases, 9 had no violations found,  
126 5 cases had violations and 1 case is pending. 8 cases have been investigated and are  
127 waiting for the Probable Cause Committee to review. 6 cases are currently under  
128 investigation. He also has a list of Compliance monitoring on the back page of his report.  
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130 Attorney Jane Weiler is in receipt of the AAVSB disciplines. If a case is posted on our  
131 website, it should be reported to AAVSB. A cite and fine is only reportable if the fine is  
132 not paid. Dr. Flowers moved and Dr. Kobuszewski seconded a motion to send the  
133 appropriate disciplines to AAVSB. Motion passed on a voice vote with no dissenting  
134 votes.  
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136 Ms. Weiler then reported on the top 3 veterinary medical cases reviewed at the Regulatory  
137 Board Meeting she attended. These were teeth floating, chiropractic, and massage  
138 therapists. She also presented a sample contract for an "expert witness". It was an  
139 independent contract. This person is paid to read the case and write a report. Also they  
140 would be paid for their time if they were needed to testify. It was suggested that the expert  
141 witness would be compensated \$100 per hour for their time. Dr. Bentz moved and Dr.  
142 Flowers seconded a motion that we use this structure if we are needing an expert witness.  
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144 Dr. Kobuszewski stated the following: Madam Chairperson, I move that the Board recess  
145 into executive session at 3:06 p.m. to discuss the personnel matter exception in K. S. A  
146 75-4319(b) (1). The Board may admit Jody Johnson to the executive session, when

147 requested, to aid the Board in its discussions. The Board will reconvene the open meeting  
148 in the Board's conference room at 714 Plum Street, Wamego, Kansas at 3:15 p.m. Motion  
149 was made by Dr. Kobbuszewski and was seconded by Dr. Ritter. Motion passed by  
150 unanimous vote.

151  
152 Dr, Kobuszewski stated the following: Madam Chairperson, I move that the Board recess  
153 into executive session at 3:15 p.m. to discuss the personnel matter exception in K. S. A  
154 75-4319(b) (1). The Board may admit Jody Johnson to the executive session, when  
155 requested, to aid the Board in its discussions. The Board will reconvene the open meeting  
156 in the Board's conference room at 714 Plum Street, Wamego, Kansas at 3:25 p.m. Motion  
157 was seconded by Dr. Flowers and passed by unanimous vote.

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159 Dr. Bentz moved and Dr. Ritter seconded that Matthew Provencher be moved to Field  
160 Staff with the location being his home. Motion passed on a voice vote with no dissenting  
161 votes.

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163 Dr. Bentz moved and Dr. Ritter seconded that the meeting be adjourned. Motion passed  
164 on a voice vote with no dissenting votes.

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166 Meeting adjourned at 3:25.

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171 Signed Sheila M. Dodson, DVM Date 1/27/20  
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