

KANSAS BOARD OF VETERINARY EXAMINERS

MONDAY, JANUARY 27, 2020

TOPEKA, KANSAS

2:00 P.M.

BOARD MEETING

This Meeting of the Kansas Board of Veterinary Examiners was called to order at 2:04 PM by Board President Dr. Dodson. Board Members in attendance in addition to Dr. Dodson were Drs. Bentz, Kobuszewski, Ritter, Snyder, Flowers and Mr. Allen. Also present in Topeka were staff members Dr. Johnson, Konrad Coe, Matthew Provencher and Cheryl Mermis. Charles Macheers, General Counsel was in attendance and Litigation Counsel, Jan Weiler. Ms. Weiler brought a guest, Kathleen Barceleau, who is the Assistant Attorney General in the Civil Litigation Division. There were no other public members in attendance.

Dr. Dodson welcomed and thanked those in attendance.

Dr. Dodson discussed the agenda, there was an adoption of the proposed agenda with an added executive session as item H, making item I – future meeting dates, and item J will be adjournment.

There were no other adjustments to the agenda. Dr. Bentz moved to accept the amended agenda and it was second by Dr. Kobuszewski. The motion passed on voice vote with no dissenting votes.

Dr. Dodson opened the floor for item C, Public Forum. There were no public members in attendance, thus the meeting moved to item D, approval of minutes from the prior meeting. There were no corrections or adjustments to the minutes for the November 13th board meeting. Dr. Bentz made a motion to approve the last board minutes, Dr. Flowers second the motion. Motion passed on voice vote with no dissenting votes.

Item E was next on the agenda, Review of New Protocols for Complaints. KBVE is in the first quarter of implementing the new procedures for handling complaints. Matthew Provencher shared two styles of flow charts explaining how the complaint/investigative process works. (Flow Chart Attached). He discussed the pathways of the flowcharts and where communication tends to slow down and needs response from the Probable Cause Committee to move forward. Pending cases were delivered to each board member concerning cases that were pending prior to or post the protocol change.

Jane Weiler discussed Item F, Strategic Plan Review, Ms. Weiler reviewed the KBVE sanctions. Dr. Flowers and Jane Weiler handed out a document to help aid their review to each of the board members. The document helps depicts what the KBVE can act on and which sanction it falls under. In determining which sanction should be imposed, the board will consider the goals for imposing discipline, among other considerations. The purpose might either be remedial, to

protect the public from immediate harm or punitive. Jane discussed non-disciplinary resolutions such as sending letters of concern or a warning letter via either public or private letters to the DVM. Next Jane discussed implementing a level of professional competency rating low to high and tiering them on two different levels, A and B, (level A being high level and level B being remedial or 1st issue) to assist the Probable Cause Committee in making decisions, determining sanctions and the level of discipline for each case.

Jane also discussed two policy considerations, aggravating and mitigating factors. After it has been established a violation has occurred, the Board may consider facts and circumstances unique to the case to determine if the sanction is appropriate considering any aggravating and/or mitigating factors.

Dr. Dodson moved the meeting to item G, Staff Reports. Cheryl Mermis shared that there are 2633 veterinarian licensees in the state of Kansas, 65 of which are institutional licenses which are restricted to the confines of the college (KSU); 530 registered veterinary premises; and 597 registered veterinary technicians. She then detailed an overview of office activities since the last board meeting.

Konrad gave out his premise audit report, he noted that we have 530 premises. Since November 2019 he had 54 inspections, and only 2 were found to be in non-compliance. Konrad discussed ambulatory veterinarians and expressed additional needed criteria to determine which veterinarians on the inspection list are charged an annual \$75 for a premise registration fee. Konrad expressed a need to have strict guidelines to outline whether you are veterinarian that falls into the ambulatory category before we can begin regulating a premise registration for the ambulatory premise. Konrad will continue to gather information and outline the criteria to determine who should be charged the mobile clinic; records audit fee.

Matthew Provencher shared a summary of his investigations report on numbers. For calendar year 2018, KBVE had 38 cases and in calendar year 2019, KBVE had 64 cases: 15 complaints were received in Q2 (Oct-Dec) for fiscal year 2020. There were 13 cases reviewed for probable cause in Q2, 5 cases where violations were found, 7 cases where no violations were found, and 1 case still pending. KVBE current case load is as follows: 0 complaints pending; 3 pending respondent rebuttals; 7 Pending complete file review by committee; 7 pending probable cause; 8 compliance monitoring.

Charles Macheers and Jane Weiler had no topics to discuss for attorney reports.

Dr. Johnson discussed the passed proposed regulation for increased fees. The proposal for increased fees was published in the Kansas Register and in the Legislative update for KVMA members. The proposed regulation was also shared with the Kansas Veterinary Technicians Association (KVTA) announcing the public hearing on March 16th giving them time for written responses or to attend in person to present their response about the fee increase. The annual renewal fee increases for veterinarians is going from \$90 to \$100. Veterinary technician's application fee has been increased from \$20 to \$50, and the veterinary technician's registration renewal is going from \$10 to \$25. The \$75 mobile clinic records audit fee will be printed in 70-1-5. Dr. Johnson shared that Charles Macheers has put together a statue about fees and the payout of fines to help cover KVMA operational expenses. The KVMA had hired Information

Network of Kansas (INK) to run last year's online renewal process. They were charging \$4 for each license renewal, but she was able to negotiate to reduce the fee to 2.5%. Online renewals for veterinary technicians are projected to be up and running by mid-February.

Dr. Johnson moved on to the budget review. She will be spending time with Victoria Potts, our fiscal analyst, who will be helping her put together a "Ways and Means" report for the hearing. KVMA's budget right now is tight, however there is some concern about next year's budget.

Mr. Allen moved the board recessed into executive session pursuant to KSA 2018 sub 75-43-19(b)(2) for consultation with general counsel Charles Macheers, Assistant Attorney General, and Jane Wieler, Assistant Attorney General, to seek legal advice on the matter protected by the attorney client privilege related to the internal procedures and statutory compliance. Dr. Johnson was requested to be present in the executive session to aid the Boards in its discussion.

The Board will reconvene the open meeting in the conference room located at Senate Suites 900 SW Tyler Rd, Topeka, KS at 4:10 PM.

Dr. Snyder seconded the motion, all were in favor in a unanimous voice vote with no dissenting votes.

Meeting was moved to executive session at 3:55 PM

The Board reconvened at 4:10, Dr. Dodson announced a future Board meeting on the 22nd of April at 10:00am in Wamego.

Dr. Ritter moved to adjourn the meeting, Dr. Bentz second the motion. All were in favor in a unanimous voice vote, with no dissenting votes.

Meeting was adjourned at 4:20 P.M.

Signed Sheila M. Dodson Date 1/25/2021