

**KANSAS BOARD OF VETERINARY EXAMINERS**

**MONDAY, JANUARY 20, 2021**

**Wamego, KANSAS**

**10:00 A.M.**

**BOARD MEETING**

This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:00 A.M. by Board President Sheila Dodson. Board members participating in the Zoom call were Dr. Dodson, Dr. Ritter, Dr. Snyder, Dr. Covington, and Dr. Flowers. Mr. Allen was not present. Staff in attendance were Dr. Johnson, Matthew Provencher, Konrad Coe and Audi Westgate and General/Litigation Counsel, Randy Forbes. Mary Berg with the KVTA participated as a member of the public. Dr. Dodson announced that Dr. Sandler has resigned her position on the Board as of December 31. The Governor's office has been contacted and are in the process of appointing another veterinarian for the empty Board position.

Dr. Dodson then read the script for "Open Meeting via Conference Call Under Disaster Declaration." As of the date of this meeting, Governor Kelly has not suspended these requirements and we are still under Disaster Declaration. Notification of this meeting was published on Public Square, on January 11, and any member of the public could request a copy of the agenda by emailing [vetboard@ks.gov](mailto:vetboard@ks.gov). However, no agendas were requested and no public member had contacted the office for access to the Zoom meeting. Megan Kilgore from the KVMA, and Mary Berg from the KVTA have requested previously to be notified of KBVE meetings.

Dr. Dodson read the Agency's philosophy.

Dr. Flowers moved to accept the agenda as submitted with no additions. Dr. Snyder seconded that motion. Motion passed on a voice vote with no dissenting votes.

Mary Berg with the KVTA used the public forum time to announce a new representative on their board, Angie Harris. Angie could not attend the meeting due to a conflict in her schedule. The KVTA also has two new people on their board and they are excited to achieve more momentum in their organization. Mary also shared that they had scheduled a Tri-State Conference with Colorado and Utah which will be a virtual two-day symposium on "End of Life Issues for Companion Animals".

Next, Item E was correspondence. Dr. Johnson read a thank you note from a veterinarian who was very appreciative of the renewal extension due to COVID-19. Dr. Johnson then read a letter from Dr. Leon Connor who wanted to express his opinion on surgical consent and authorization by a pet owner. See attached letter.

Moving to item F, Review/Acceptance of Previous Minutes. The first one was dated January 20, 2020. Dr. Ritter made a correction that meeting was on January 27, 2020. The correction was made, Ritter moved to accept the minutes, Dr. Flowers seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

Second set of minutes was from the March 20, 2020 meeting. Dr. Flowers moved to accept the minutes; Dr. Snyder seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

The third set of minutes were from the June 30, 2020 meeting. Dr. Ritter moved to accept the minutes; Dr. Snyder seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

The fourth set of minutes were from the September 29, 2020 meeting. Dr. Snyder moved to accept the minutes; Dr. Flowers seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

The fifth set of minutes were from the November 4, 2020 meeting. Dr. Flowers moved to accept the minutes; Dr. Ritter seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

The sixth set of minutes were from the December 11, 2020 meeting. Dr. Ritter moved to accept the minutes; Dr. Snyder seconded the motion. Motion passed on a unanimous voice vote with no dissenting votes.

The next item on the agenda is the Standardization of Function. Dr. Flowers had been working with the previous litigation counsel, Jane Weiler, on this project. Dr. Flowers created a guidebook to easily locate sanctions to statutes and regulations when working on complaint cases. The guidebook would also aid in guiding decisions on fine amounts and it was broken down in different categories. Dr. Dodson shared about possible next steps with this project.

A list of continuing education courses will also be developed that could be associated to certain violations.

Dr. Dodson mentioned that a future discussion is critical as to definitions of professional competency as it relates to K.A.R 70-8-1(a) (failing to meet the minimum standards for either veterinary premises or veterinary practice). Dr. Dodson would prefer to establish a committee who would investigate definitions of minimum standards of care. Minimum standards of care would touch on clinical guidelines to veterinary client patient relationship (VCPR) and other regulations.

Dr. Dodson progressed to item H, list of continuing education courses. Dr. Dodson shared the Probable Cause Committee would lean toward using specific CE courses if there was a certain violation(s). Dr. Johnson shared that the courses on the list were provided by AAVSB. They are RACE certified courses which are approved by a panel of veterinarians. In the past the KBVE used continuing education courses from the University of Wisconsin for disciplinary courses. Due to COVID 19, the CE Department through the Veterinary College at the University of Wisconsin has dissolved due to COVID-19 related issues. Dr. Dodson shared her concern about RACE courses, as the majority would be one time courses, not ongoing courses that would be available for disciplinary use plus many did not have a final examination over the material. Dr. Johnson shared that Dr. Khare's CE courses on Record Keeping had been shut down due to COVID-19. Dr. Johnson did reach out to Washington State University College of Veterinary Medicine with the thought that the courses through their continuing education department could possibly be utilized. They might offer ongoing courses with certain professors or have taped recordings of sessions for CE. Dr. Snyder suggested looking into other universities, as well as Kansas State CVM.

Dr. Dodson moved to the next item I, review of procedures in regard to the authority to issue a discipline. The Executive Director will be executing the final determination by signature. Dr. Ritter asked that if there are any changes to the discipline that the changes be brought back to

the committee that made the decision and that committee can decide the final action. Dr. Covington agreed that having knowledge of the final outcomes from cases is beneficial to the Probable Cause Committee.

Dr. Ritter moved that any changes or negotiation in the decisions made by the Probable Cause Committee must be approved by that Probable Cause Committee before the attorney has authority to move forward with any changes. Dr. Snyder seconded the motion. Mr. Forbes agrees that the Probable Cause Committee needs to agree to the changes before they are made. He added it would be nice to have one of the Probable Cause Committee members assigned to make these changes for the Committee as a whole if the entire Committee was not available to convene on short notice. Dr. Ritter amended the motion that the whole Probable Cause Committee does not have to make the final decision in changes; that it could be one Committee member making the decision as a designee for the Committee as a whole. Dr. Snyder seconded the amended motion. The motion passed on a unanimous voice vote, with no dissenting votes. (See Line 144 for change in wording of the motion.)

Dr. Flowers moved that the board give authorization to the Executive Director to sign final disciplinary orders on behalf to the board. Dr. Snyder seconded the motion. The motion passed on a unanimous voice vote with no dissenting votes.

Dr. Dodson moved to item J, discussion of the mobile ambulatory registration. Dr. Johnson shared that she had a conversation with Dr. Elizabeth Davis, the head of the Veterinary Teaching Hospital concerning their Mobile Veterinary Units and whether they should be premised as Mobile Units. Kansas State College of Veterinary Medicine itself is not premised by Kansas statute (K.S.A. 47-816 (k)). Dr. Johnson shared their Mobile Units do check medications and controlled drugs from the CVM pharmacy every day and the medications and controlled drugs are logged back in when the Mobile Units return every evening. The KSU CVM does undergo a rigorous accreditation review by the American Veterinary Medical Association every 7 years. Dr. Dodson asked Mr. Forbes review and give an opinion if the K-State CVM Mobile Units should be premised.

Moving to Item K, Electronic Signatures. Dr. Johnson purposed that electronic signatures be accepted by the board to be used on license and registration certificates. This would give KBVE the ability to process the approved licenses and registrations as they are approved and placed in the mail. Mr. Forbes shared that unless there is anything in statutes against electronic signatures then electronic signatures are valid.

Dr. Snyder moved to collect electronic signatures and store them for use when needed. Dr. Flowers seconded the motion. No discussion, motion passed unanimously with no dissenting votes.

Reports were next on the agenda, item K. Mr. Forbes shared that he and his firm appreciate the opportunity to work with the Board. He does recommend that the Board look back at the resolution that was passed authorizing the executive director to sign the final disciplinary order. He suggested that the wording be changed to the Board is authorizing the assigned Probable Cause Committee to make determinations and decisions on behalf of the Board.

Dr. Snyder made a motion that the Probable Cause Committee will make the final case determinations in lieu of the Board as representative of the Board for a final decision. Dr. Ritter seconded the motion. Motion passed unanimously with no dissenting votes.

Matt Provencher reported that the total cases for the 2020 calendar year were 70 cases, which is up 9.38% from 2019. Total cases in 2019 were 64, which was an increase of 68.42% from 2018. In 2018 the total cases were 38. The year 2018 was the first year of tracking case load numbers. Total complaints received in the second quarter of 2021 (October – December) was 18. Total complaints reviewed by the Probable Cause Committee in the second quarter was 9. Total complaints reviewed by the Probable Cause Committee in the third quarter 2021 was 6. Total complaints with violations were 5. Total violations found with discipline contingent on continuing education and other remediation were 2. Total number of cases where violations not found were 6. Total determination pending reconvening of committee(s) were 2. Total complaints pending with Probable Cause proceedings scheduled after board meeting on January 20<sup>th</sup> is 6. Total number of open complaints currently under investigation is 12. Matt mentioned that he was pleased about the KBVE finding a secure cloud base sharing platform which the KBVE and Probable Cause Committee members can utilize to view to uploaded cases, including videos. Matt requested that all communication continue to go through his official kansas.gov email address.

Konrad Coe shared that he is continuing the video conferencing for the majority of inspections due to COVID 19. He also arranges in person inspections if requested by the veterinarian. For year to date inspections (July 1, 2020 – Jan 20, 2021) Konrad completed a total of 102 premise inspections: 1 inspection had a deficiency. There were 9 OMDR changes and there were 12 new clinics. He is in process of the sending out the applications for mobile unit registrations for record audits. There were 70 letters that were sent to veterinarians.

Audi Westgate reported that she has been focusing on getting the office organized and running linear to streamline processes and procedures, allowing the office to run more efficiently. KBVE currently has 2806 active veterinarians and 668 registered veterinary technicians. There are currently 45 veterinary license applications and 16 veterinary technician applications to be processed and approved. There are 31 veterinarians that still need to renew for the 2020 renewal period, and 22 veterinary technicians that are needing to renew.

Dr. Johnson reported Audi has been tasked with gathering information on software that could replace our current database, which is ACT!. Audi feels ACT! Is antiquated and there are much better systems to fit our needs. A new secure cloud based CRM has potential to store documents and backup, which would also give us the opportunity to drop our yearly subscription with DocuWare. Dr. Johnson shared that the house and senate bills have move the Declaration of Disaster through to March 31<sup>st</sup> (senate) and March 5<sup>th</sup> (house). The 2021-2022 renewal year begins February 15<sup>th</sup> for technicians and April 15<sup>th</sup> for veterinarians and premises.

KVMA requested a report on the number of veterinarians in Sedgwick County. We were able to produce this report for them. There are 118 veterinarians in Sedgwick County. Dr. Johnson also shared with the KVMA that there is a program called HAPN (Health Professions Network) where veterinarians who have mental, impairment, or substance abuse issues can self-report to HAPN.

If the veterinarian is being monitored and is completing the program designed for them, they will not be reported to the KBVE board.

Dr. Dodson moved to item K, Reminder of next Board Meetings. KBVE will have meetings on Wednesday, April 14<sup>th</sup> at 10 A.M. in Wamego, KS. Wednesday, July 14<sup>th</sup>, at 10 A.M. in Wamego, KS. and Wednesday, November 10<sup>th</sup> at 10 A.M. in Wamego, KS. Due to COVID restrictions these meetings are open to change and may be held virtually through the Microsoft Team platform.

Dr. Ritter moved to adjourn the meeting, Dr. Snyder second the motion. Motion passed unanimously with no dissenting votes.

Meeting adjourned at 12:13pm.

Signed Sheila M. Dodson Date 4/14/2021