

**VETERINARY EXAMINING BOARD
MINUTES
JUNE 13, 2012**

- PRESENT:** Wesley Elford, D.V.M.; Marthina Greer, D.V.M.; Brenda Nemec, C.V.T.; William Rice, D.V.M.; Sheldon Schall; Robert R. Spencer, D.V.M.; Neil Wiseley, D.V.M.
- EXCUSED:** Theresa Waage
- STAFF:** Tom Ryan, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Sharon Henes, Paralegal; and other Department Staff
- GUESTS:** Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP); Kim Brown Pokorny and Jordan Lamb, Wisconsin Veterinary Medical Association (WVMA)

CALL TO ORDER

Robert Spencer, Chair, called the meeting to order at 9:32 a.m. A quorum of seven (7) members was present.

ADOPTION OF AGENDA

Amendments:

- Item I1 (open session) – PDMP Report Update – Chad Zadrazil will not appear
- Item I7 (open session) – Legislation/Administrative Rules - insert additional information after page 20
- Item I7a (open session) – insert additional information after page 24
- Item I7b (open session) – insert additional information after page 26
- Item I7c (open session) – insert additional information after page 30
- Item I7d (open session) – insert additional information after page 34
- Item I7e (open session) – Congressional Legislation Regarding Veterinarian Prescriptions – insert three additional items after page 34
- Item N2 (closed session) – Monitoring – Benjamin R. Seebart, VMD – is removed
- Case Status Report – insert at the end of closed session

MOTION: William Rice moved, seconded by Sheldon Schall, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 8, 2012

Corrections:

- On page 3, under AAVSB MATTERS, in the first sentence, insert “this” after “as”

MOTION: Wesley Elford moved, seconded by Brenda Nemec, to approve the minutes of February 8, 2012 as corrected. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

The presentations of the proposed stipulations were deferred to closed session.

SECRETARY MATTERS

There were no issues to discuss.

EXECUTIVE DIRECTOR MATTERS

Delegation Motion

MOTION: Sheldon Schall moved, seconded by Neil Wiseley, to delegate authority to the Chair of the Board, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department where knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

BOARD DISCUSSION ITEMS INCLUDING ANY RECEIVED AFTER PRINTING OF AGENDA

PDMP Report Update

Lydia Thompson updated the Board on the progress of the Prescription Drug Monitoring Program (PDMP) rules. The Board had some questions on recording the birth date of the client and whether that meant the owner or the animal. Ms. Thompson will research this question and bring information to a future meeting.

AAVSB Matters:

Neil Wisely is scheduled to attend the AAVSB meeting this fall as the Board's delegate with Marthina Greer as the alternate.

Division of Enforcement Matters

Disciplinary and Non-Disciplinary Options in Response to Multiple Complaints Against a Practitioner – Jeanette Lytle, DOE Supervising Attorney, Intake and Screening Supervisor

The Board discussed concerns with practitioners who have multiple complaints. Progressive discipline may be considered when a practitioner is disciplined multiple times. Complaints that are closed without discipline cannot be considered in a practitioner's history. If the Board sees a pattern of complaints, this information could be drafted into a Frequently Asked Question and

posted to the DSPS website. Board members will review the current FAQ 's and determine if revisions need to be made. This will be readdressed at the next Board meeting.

Education and Examination Issues/Matters

VTNE Eligibility

The Board reviewed the correspondence from Camille McArdle of Globe University. More information is needed regarding the actual graduation date for Globe University Veterinary Technician students. Students may apply for licensure prior to graduation; however the Certificate of Professional Education form cannot be completed prior to graduation and needs to be received at DSPS prior to the testing window for the June VTNE.

Credentialing Matters – None

Practice Questions/Issues - None

Legislation/Administrative Rules Matters:

Review of Proposed Rule Revision to VE 1.02, 7, 8 and 9, Wis. Admin. Code

Legal Counsel Lydia Thompson reviewed the proposed rule revisions with the Board. Paralegal Sharon Henes explained the rules process to the Board members.

Review of Proposed Rule Revision to VE 1.02, Wis. Admin. Code

Legal Counsel Lydia Thompson reviewed the proposed rule revisions with the Board.

Review of Proposed Rule Revision to VE 2, 3, 4, 5 and 6, Wis. Admin. Code

Legal Counsel Lydia Thompson reviewed the proposed rule revisions with the Board.

Review of Proposed Rule Revision to VE 10.04, 10.02(1)(a)1. and (2)(a)1., 7.06(22) and 9.05(12)., Wis. Admin. Code

Legal Counsel Lydia Thompson reviewed the proposed rule revisions with the Board.

MOTION: Marthina Greer moved, seconded by Wesley Elford, to direct Legal Counsel to draft a scope statement regarding licensure by endorsement for veterinary technicians. Motion carried unanimously.

Congressional Legislation Regarding Veterinarian Prescriptions (H.R. 1406)

The language of H.R. 1406 would provide pet owners the ability to receive a copy of veterinary prescriptions. Sheldon Schall presented his research and concerns regarding this legislation. Kim Brown Pokorny, WVMA, stated the WVMA actively opposes this proposed legislation. Board took no action at this time.

Liaison Reports

There were no reports.

Speaking Engagement, Travel, Public Relation Requests

None.

INFORMATIONAL ITEMS

There were no informational items.

NEW/OTHER BUSINESS

There was no new business.

PUBLIC COMMENTS

Kim Brown Pokorny, WVMA, stated the WVMA has a presentation available regarding drug residue in food and fiber cattle.

CLOSED SESSION

MOTION: Robert Spencer moved, seconded by Wesley Elford, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Roll Call Vote: Wesley Elford-yes; Marthina Greer-yes; Brenda Nemec-yes; William Rice-yes; Sheldon Schall-yes; Robert Spencer-yes; and Neil Wiseley-yes. Motion carried unanimously.

The Board convened into Closed Session at 12:19 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Wesley Elford moved, seconded by Sheldon Schall, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 1:29 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

MOTION: Wesley Elford moved, seconded by Neil Wisleley, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Frank F. During, DVM. (10 VET 039)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Brenda Nemec, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Albert E. Prudom, DVM. (11 VET 017)**. Motion carried unanimously.

MOTION: William Rice moved, seconded by Brenda Nemec, to adopt the Findings of Fact, Conclusions of Law, Final Decision and corrected Order in the disciplinary proceedings against **Esta Parish, DVM. (11 VET 032)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by William Rice, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Todd A. Ostrander, DVM. (06 VET 056 and 07 VET 033)**. Motion carried unanimously.

MOTION: William Rice moved, seconded by Wesley Elford, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Mark Mattison, DVM. (10 VET 024)**. Motion carried unanimously.

MONITORING

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to grant the request for full licensure to **Willard G. Janssen, VMD**. Motion carried unanimously.

CASE CLOSINGS

MOTION: William Rice moved, seconded by Brenda Nemec, to close case **11 VET 023 against respondent B.L.M., DVM, for prosecutorial discretion (P3)**. Motion carried unanimously.

MOTION: Sheldon Schall moved, seconded by Neil Wisely, to close case **11 VET 014 against respondent E.M.L., CVT for no violation and against respondent K.C.K, DVM, for prosecutorial discretion (P3)**. Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to close case **12 VET 005 against respondent E.P., DVM, for no violation.** Motion carried. Robert Spencer was excused during deliberation and abstained from voting.

MOTION: William Rice moved, seconded by Sheldon Schall, to close case **11 VET 026 against respondents E.M.B., DVM, S.L.R., DVM, K.M.S, DVM, C.M.W., DVM, K.B.Y., DVM and A.M.D., CVT for compliance gained (P2).** Motion carried unanimously.

MOTION: William Rice moved, seconded by Sheldon Schall, to close case **11 VET 038 against respondent H.A.W., DVM, for no violation.** Motion carried unanimously.

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to close **12 VET 005 against respondent E.P., DVM, for no violation.**

NEW/OTHER BOARD BUSINESS

The Board reviewed the printouts of the FAQ's for veterinarians and veterinary technicians. Board members will review and send comments to Tom Ryan by mid-July.

ADJOURNMENT

MOTION: Marthina Greer moved, seconded by Brenda Nemeč, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:50 p.m.