



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF HEALTH CARE SERVICES

MIKE ZIMMER
DIRECTOR

MICHIGAN BOARD OF VETERINARY MEDICINE MEETING OF MARCH 26, 2015

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976, PA 267, as amended, the Michigan Board of Veterinary Medicine met in regular session on March 26, 2015 at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

CALL TO ORDER/PUBLIC COMMENT REMINDER

Lynn Happel, DVM, Vice-Chairperson, called the meeting to order at 1:30 p.m.

ROLL CALL

Members Present: Lynn Happel, DVM, Vice-Chairperson
Michael Bell, Public Member
Peter Levine, Public Member (arrived at 1:58 p.m.)
Dwight McNally, DVM
Marianne Tear, MS, LVT
Colleen Thorp-Stout, DVM
Renee Werth, Public Member
Amy Hicswa, DVM
Anne Rice, DBM

Members Absent: James Averill, DVM, *Ex-Officio* Member

Staff Present: Shellayne Grimes, Secretary, Policy, Rules and Board Support
Norene Lind, Policy Manager, Policy, Rules and Board Support
Michael Siracuse, Analyst, Policy, Rules and Board Support
Pamela Millben, Enforcement Analyst, Enforcement Division
Virginia Abdo, Compliance Manager, Enforcement Division
Joe Campbell, Director, Enforcement Division
Lucinda Clark, Manager, Licensing Section
Joe Powell, Analyst, Licensing Section
Andrew Hudson, Assistant Attorney General

Others Present: Sandra George
Linda Van Vonlin
Chris Patterson
Patty VanAtten
Charles Pol
Todd Alwood
Kim Wieferich
Julie Mustah
Lloyd Frisbie
Jodie Hailer
(Others present, but not identified)

Lind explained to the audience that there are two meetings scheduled for the Michigan Board of Veterinary Medicine today. The first meeting is the Full board meeting, which is the business meeting. The second meeting is the Disciplinary Subcommittee meeting, which is the disciplinary meeting. Each meeting will have time for public comment at the end. Lind also reminded that no dialogue between the public and the board members is permitted.

APPROVAL OF MINUTES

MOTION by Bell, seconded by Tear, to approve the December 18, 2014 meeting minutes, as presented.

MOTION PREVAILED

APPROVAL OF AGENDA

MOTION by Tear, seconded by Thorp-Stout, to approve the agenda, as presented.

MOTION PREVAILED

COMMITTEE REPORTS

Veterinary Technician Exam Committee

Lucinda Clark introduced Joe Powell, who is the new Testing Analyst for the Licensing Division.

Clark provided the statistics of the 2014 Veterinary Technician Exam:

- 248 candidates sat for the Exam
- 200 passed the Exam, which is a 80% passing rate

Clark noted that the Department is currently in the process of contacting those candidates by mail who failed the 2014 Veterinary Technician Exam regarding retesting.

Clark stated that the Michigan Veterinary Technician Examination (VTE) will be held on Friday, June 19, 2015 at Michigan State University.

She further noted that she is looking forward to working with the Vet Tech Subcommittee.

Allegation Review Report

Happel reported that 11 allegations have been received since the last Board meeting. Of those, seven (7) have been authorized for investigation.

OLD BUSINESS

None

NEW BUSINESS

Election for Chairperson

Lind ran the election for Chairperson.

Election for Vice-Chairperson

Happel ran the election for Vice-Chairperson.

MOTION by Werth, seconded by McNally, to elect Colleen Thorp-Stout, DVM, as Vice Chairperson.

A voice vote was held.

MOTION PREVAILED

Committee Assignments

Happel announced Committee assignments as follows:

Disciplinary Subcommittee

- Werth, Chair, Public member
- Bell, Public member
- Tear, Professional member
- McNally, Professional member
- Hicswa, Professional member
- Levine, Alternate, Public member

Veterinary Technician Exam Committee

- Hicswa, Professional member
- Rice, Professional member
- Thorp-Stout, Professional member
- Happel, Professional member

Rules Committee

- Happel, Professional member
- McNally, Professional member
- Tear, Professional member
- Werth, Public member

Allegations Committee

- Happel, Professional member
- Rice, Professional member
- Thorp-Stout, Professional member

Health Professional Recovery Committee (HPRC) Nomination

Lind referenced a Memorandum dated March 4, 2015 from Susan M. Bushong, Contract Administrator for the Health Professional Recovery Program (HPRP).

MOTION by Bell, seconded by Thorp-Stout, to appoint Katherine Donahue, D.V.M. as the HPRP representative for the Board of Veterinary Medicine, to fill a partial-term expiring on December 31, 2016.

A voice vote was held.

MOTION PREVAILED

Administrative Rules amendments

Siracuse explained that under the “Principles of Veterinary Medical Ethics of the American Veterinary Medical Association (AVMA),” a veterinarian shall provide veterinary medical clinical care under the terms of a veterinarian-client-patient-relationship (V.C.P.R.). Further, it is unethical practice to prescribe medications to a patient without an examination. He and the Rules Subcommittee will be drafting amendments to the Administrative Rules regarding V.C.P.R. rules. Any questions should be directed to the Department at BHCS-BoardSupport@michigan.gov or directly to Siracuse at SiracuseM@michigan.gov. The draft Administrative Rules will be shared with the Board members upon completion.

Siracuse distributed a document to Board members entitled Bureau of Health Care Services Compounding Pharmacy Law FAQ. Additionally, Siracuse researched and addressed questions that were asked by Board members at the December 18, 2014 meeting regarding the new pharmacy compounding laws and the legality of third party dispensing. The questions and findings are noted as follows:

Question 1 – If and how do the new laws regarding compounding affect veterinarians?

Answer – Compounding laws do not apply to veterinarians or veterinarian practices. No pharmacy license is required to compound in office. Veterinarians are not required to have a Pharmacist in Charge (PIC).

Question 2 – Can a veterinarian dispense medication without seeing the patient?

Answer – No, but veterinarians are free to sell medications to each other.

Board members are encouraged to share this information with their professional associations.

Siracuse noted that the Chair of the Rules Subcommittee will direct when and where the meetings will be held. Email conversation is also considered a meeting.

Department Update

Lind announced that the Bureau will be reorganized during 2015 to combine regulation of the health professions specified in the Public Health Code with the occupations specified by the Occupational Code (i.e. accountants, realtors, cosmetologists, etc.).

REGULATORY CONSIDERATIONS

None

PUBLIC COMMENT

An attorney commented on her experience with open meetings and open records. She spoke to the proper standard of care issue, and was asked to desist from going any further by Hudson, as her comments could harm the due process rights of Michigan licensees. She is curious why Rule R 338.3801 was rescinded on March 12, 2015. She believes public comment should be heard prior to the Board's decision regarding a complaint against a licensee.

Chris Patterson explained his view of the disciplinary process once an allegation is filed with the Department.

A gentleman asked a question why the rule was rescinded and the procedure was changed.

Charles Pol expressed that he believes there is a fundamental flaw in procedures. He thinks it is a dereliction of duty for the state to not post standards of care and changes thereto. Animal owners have a right to be a part of this discussion, and therefore should be able to be heard before the board votes on a licensee's case.

ANNOUNCEMENTS

The next regularly scheduled meeting will be held June 25, 2015 at 1:30 p.m. at the Ottawa Building, 611 West Ottawa Street, Upper Level Conference Center, Conference Room 4, Lansing, Michigan.

ADJOURNMENT

MOTION by Werth, seconded by Tear, to adjourn the meeting at 2:14 p.m.

Minutes approved by Board on March 24, 2016.

Prepared by:
Shellayne Grimes, Board Secretary

March 26, 2015