



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 DISCIPLINARY SUBCOMMITTEE 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 Disciplinary Subcommittee 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

Renee Werth, Chairperson, called the meeting to order at 2:24 p.m.

ROLL CALL

Members Present: Renee Werth, Chairperson
Michael Bell, Public Member
Marianne Tear, DVM
Colleen Thorp-Stout, DVM

Members Absent: None

Staff Present: Shellayne Grimes, Secretary, Policy, Rules and Board Support
Pamela Millben, Analyst, Enforcement Division
Virginia Abdo, Manager, Enforcement Division
Joe Campbell, Director, Enforcement Division
Andrew Hudson, Assistant Attorney General

Others Present: Sandra George
Linda Van Vonlin
Chris Patterson
Patty VanAtten
Charles Pol
Todd Alwood
Kim Wieferich

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Julie Mustah
Lloyd Frisbie
Jodie Hailer
(Others present, but not identified)

APPROVAL OF MINUTES

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

MOTION PREVAILED

APPROVAL OF AGENDA

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

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Julie Anne Rossetto, D.V.M. – Consent Order and Stipulation

MOTION by Tear, seconded by Thorp-Stout, to accept the Consent Order and Stipulation, in the matter of Julie Anne Rossetto, DVM.

Discussion was held.

A roll call vote followed: Yeas – Bell, Tear, Thorp-Stout, Werth

MOTION PREVAILED

Randolph Scott McCoy, D.V.M. – Request for Dismissal

MOTION by Tear, seconded by Bell, to accept the Request for Dismissal, in the matter of Randolph Scott McCoy, D.V.M.

Discussion was held.

A roll call vote followed: Yeas – Bell, Tear, Thorp-Stout, Werth

MOTION PREVAILED

Jan H. Pol, D.V.M. – Proposal for Decision

MOTION by Thorp-Stout, seconded by Tear, to accept the Proposal for Decision in the matter of Randolph Jan H. Pol, D.V.M.

Discussion was held.

A roll call vote followed: Yeas – Tear, Thorp-Stout, Werth
 Nays – Bell

MOTION PREVAILED

MOTION by Tear, seconded by Thorp-Stout, to place Respondent on probation for one (1) year, with the following terms and conditions:

- (1) Respondent shall be required to complete pre-approved continuing education by the Board Chair in the following areas:
 - a. I-V Fluids
 - b. Anesthesia
 - c. Emergency Care and Critical Care

- (2) Respondent must not violate the Public Health Code.

Additionally, a fine shall be assessed in the amount of \$500.00, payable within 90 days of the Order.

Discussion was held.

A roll call vote followed: Yeas –Tear, Thorp-Stout, Werth
 Nays – Bell

MOTION PREVAILED

PUBLIC COMMENT

Chris Patterson asked what the procedure was for a request for reconsideration. Hudson asked Mr. Patterson to desist from any additional questioning.

A gentleman noted that there were two (2) key issues in one of the cases today; (1) due process and (2) care versus cost.

A public member thanked the Board for its work today on the Rossetto case.

Chris Patterson addressed the Board again, stating that there were issues that were not brought out in the record. Today was an injustice, and zero due process was shown. Hudson asked Mr. Patterson to desist from additional questioning.

In general terms, Mr. Patterson noted that Dr. Pol has three (3) options. (1) He cannot send the case back to Administrative Law Judge; (2) he can look at procedures that are in place; and (3) he can determine what is the appropriate remedy. Mr. Patterson had Petitions that had been signed since Sunday, March 22, 2015 that had collected over 10,000 signatures to dismiss the Pol complaint. Hudson told him that the Board could not accept these documents and asked him to take them back.

A mother addressed the Board who brought her 5-year old daughter with her today. Her daughter watches Dr. Pol all the time and just loves him. She stated she was sorry that she brought her daughter to this meeting today. She further commented that she was sorry that the Board felt it was about money versus care. She is going to write her Congressman because things need to change. She referred to today's meeting as a "media circus." She further explained that Dr. Pol had walked her through care over the phone on Labor Day weekend when her daughter's pet chicken had medical issues. The chicken survived, and Dr. Pol is a good veterinarian.

A gentleman addressed the Board and stated that Dr. Pol takes care of all types of animals from cows to horses to alpacas. He will do anything he can do to care for an animal. Animals are second to humans. Dr. Pol didn't get fair treatment, and today was an injustice. The audience today shows the support for him. He will help any animal, any time, and any place. He supports Dr. Pol 100%.

A gentleman asked what the process would be if another Petition came back before this Board regarding Dr. Pol. Hudson asked the gentleman to desist from further questioning, however, did respond that there are remedies for an appeal process and reconsideration.

A public member asked, "who makes your rules?"

A public member commented about the veterinarians who have the luxury of having the latest equipment versus the affordable veterinarians who can get by with what they have. The fluff isn't needed if they can still do their job and not charge so much to people that cannot afford those high costs.

Charles Pol commented that what the Board is suggesting today is that it is better to put your dog down than having Dr. Pol perform surgery.

A female explained that her son could not afford the \$1,500.00 vet bill he received from the Michigan State University (MSU) Veterinary Clinic for services to his dog. He then took the dog to his 82-year old veterinarian who undid what was done at MSU. The dog left there with less stress and pain. If he could have gone to Dr. Pol, he would have. It's all about the cost. Old technology is outdated and it cost more to have the latest technology. It would save pet owners a lot of money. Dr. Pol's television show is the number one show on the National Geographic channel.

A female noted that she was a high school agricultural teacher and works part time for a pet food company. She thanked Dr. Pol for having the television show, as she uses it for teaching her students about pets. She is saddened by the Board's decision today.

A female stated that she has been taking her pets to Dr. Pol for 17 years. For the past year, she has not even been charged for an office visit. He has compassion and people can afford care and medicine with Dr. Pol. He is a pillar of the community and also a community volunteer. Amish people trust Dr. Pol and take their horses to him for care. She disagrees with the Board's decision today.

A gentleman from Edmore, Michigan addressed the Board, stating that he has been raising race horses and having Dr. Pol service his farm since 1987. Dr. Pol has made it possible for him to be successful. Dr. Pol has all of his support.

A public member stated that he has been taking his animals to Dr. Pol for over 20 years. Dr. Pol always considers what is the best care for the animals, not necessarily putting money into his wallet.

Another public member spoke that he has used Dr. Pol for over 20 years and feels that today's ruling was an injustice.

Another public member spoke that there was an 8-hour hearing, which was a trial where a judge takes testimony. This is one guy's opinion. He is not sure how the Board gets or gives their input. There were no due process rights for Dr. Pol today. He then asked what is the rule why there can't be an exchange of conversation. You can't say anything relevant to the case because that is how the Board rolls.

The last public member stated that a successful outcome means nothing in a case that goes before the Board.

ANNOUNCEMENTS


The next regularly scheduled meeting will be held June 25, 2015 immediately following the Michigan Board of Veterinary Medicine meeting scheduled to begin 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 Tear, seconded by Thorp-Stout, to adjourn the meeting at 3:16 p.m.



Renee Werth, Chairperson



Date Minutes Approved



Shellayne Grimes, Board Secretary



Date Minutes Prepared