

MINUTES

KANSAS BOARD OF VETERINARY EXAMINERS Wednesday, July 27, 2016 714 Plum St; Wamego, Kansas Board Meeting

This meeting of the Kansas Board of Veterinary Examiners was called to order at 10 A.M. by Board President Dr. Bogue. Board Members in attendance in addition to Dr. Bogue were Drs. Bentz, Dodson, Kobuszewski, Snyder and Joseph Allen; Dr. Ritter was absent. Also present in Wamego were Dr. Hanson, Cheryl Mermis, Athena Andaya, legal counsel and Wes Smith, litigation counsel. Guests in attendance – Representative Ron Highland, Dr. Jay Hedrick and Joyce Mermis.

Dr. Bogue welcomed and thanked all those in attendance; new board member Dr. Orman [Larry] Snyder replaces Dr. Candace Layton whose term expired. Dr. Bogue mentioned the importance for board members to make every effort to attend scheduled board meeting, especially since KBVE only meets quarterly. Mr. Allen made a motion to adopt the proposed agenda, Dr. Kobuszewski seconded the motion. Dr. Bentz made a motion to approve the minutes of the previous meetings. Dr. Kobuszewski seconded the motion. The motions passed on a voice vote with no dissenting votes.

Wes Smith, litigation counsel for the Board, from the Attorney General's Office presented a legal case update from Robert Large, litigation counsel for the Board from the Kansas Department of Agriculture (KDA), on the remaining cases of which most will be wrapped up by KDA. Mr. Smith indicated that he has been working with Dr. Hanson on a few new cases which are in the beginning stages of investigation. Additionally Wes Smith has had a conversation with Dr. Bentz- who would like to see a less confrontational approach to presenting consent agreements.

At 10:10 am, Dr. Kobuszewski moved to recess into Executive Session in compliance with the Kansas Open Meeting Act to discuss personnel matter of non-elected personnel to protect the privacy of parties involved and required Athena Andaya, the Board's general counsel to be admitted to the executive session to aid the Board in their discussions. The Board stated it would reconvene the open meeting in the same location in 30 minutes and would resume the open meeting at 10:40am. It is noted in the minutes that executive session ended at 10:40 am and no action was taken in executive session.

In open session at 10:48 am, Dr. Kobuszewski moved to recess into Executive Session in compliance with the Kansas Open Meeting Act to discuss personnel matter of non-elected personnel to protect the privacy of parties involved and required Athena Andaya, the Board's general counsel and Dr. Jay Hedrick to be admitted to the executive session to aid the Board in their discussions. The Board state it would reconvene the open meeting in the same location in 20 minutes and would resume at 11:08 am. It is noted in the minutes that executive session ended at 11:08 am and no action was taken in executive session.

Athena Andaya read a motion to delegate Dr. Bogue the responsibilities of pursuing information and answers, within seven days, on the hiring of an interim executive director, or a part-time executive director, and whether the executive director could be hired under contract rather than salary. Joseph Allen moved on the motion with Dr. Bentz seconded the motion. The motion carried. Cheryl will

coordinate and notify board members and the public of the special meeting by conference call information, on Wednesday, August 3rd at 7:00 am.

Dr. Dodson gave an overview of the challenging deadlines as it relates to KBVE submitting revised budgets for FY17, FY18 and FY19, due by 9/15/2016. Other notable deadlines are as follows: 10/15/2016 – draft of program inventories which is an organized set of activities directed toward a common purpose or goal that an agency undertakes OR purpose to carry out agency responsibilities; due 12/1/2016 – program inventories and supporting evidence; 1/9/2017 Governor will submit agency program inventories to legislators; Spring 2017 legislative audit.

Drs. Dodson and Hanson attended a performance based budgeting session in Topeka last week. A state-wide criteria change for all agencies -everyone following the same set of rules, to improve accountability and budget transparency; state agencies will submit a narrative that relates to outcomes and performance- which has been used effectively in the budgeting process and will work better for Legislators in their budget evaluations. Dr. Dodson reported that there are some discrepancies from the KBVE financial statement generated by KDA and approved budget received from Konnie Leffler, financial analyst from Division of the Budget. Representative Highland will review the discrepancy and what the Legislature approved for KBVE and will share his findings with the Board.

The next face-to-face meeting of the board will occur on Friday, August 26, 2016 at 10:00 am, at the Wamego office location. This will be a meeting to discuss the particulars of the KBVE budget.

Dr. Dodson suggested the board conduct a strategic planning session sometime in the next several months to pull together the program inventories and supporting evidence [due 12/1/2016].

Dr. Dodson recommended that other board members consider becoming more involved in the budget discussions so as to provide continuity for KBVE; board appointment terms are four years and there is no guarantee of a re-appointment despite a board members' wish for additional terms.

Cheryl reported renewing 2497 veterinary licenses to-date, there have been 47 institutional licenses issued with a few more pending. There are 167 licensees that have not yet renewed and it is not known what their intentions are for renewing a Kansas veterinary license.

Since the KBVE office move on 7/7/2016, \$96,539.00 has been deposited with the State Treasurer; that is \$86,937.80 to the KBVE fee fund and \$9,601.20 which is the 10% allocated to the State General Fund.

This year, changes [one form on 5/31/2016] to sending license renewals forms to the licensees caused a tremendous amount of upheaval. We have gotten through those hurdles and staff has proposals for the board to consider, which will be discussed during this meeting.

Dr. Hanson provided the case status report which depicted 5 new complaint cases since the last board meeting [6/5/2016]. Also noted on the report was the total of 28 complaint cases which is half of what KBVE has had perennially. Dr. Hanson surmises that people have not been able to locate KBVE within the KDA website.

Currently the static KBVE website resides with KDA. Dr. Hanson has had communications with the Kansas Information Consortium-KIC [state agency] who contracts with E-gov; KIC will host a static

KBVE website, free of charge. The board discussed a proposed license renewal process changes and stated that staff will work with the Kansas Information Consortium-KIC to develop KanForm for online renewal processing. There are grant monies available through KIC, to state agencies, for development by KIC for a more robust web presence that could incorporate no cost online renewal processing called KanForm. After further discussions, Dr. Dodson made a motion to authorize staff to submit a grant application to KIC. Dr. Kobuszewski seconded the motion. The motion carried.

At 12:20pm Dr. Bentz made a motion to recess for lunch, Mr. Allen seconded the motion. The motion carried.

Board meeting reconvened at 1:56pm.

Dr. Hanson provided a historical overview of KBVEs' agency records management and integrity prior the two-year trial merge with KDA, during the merge and the end results. Under the direction of KDA, KBVE sent all paper records (over 70 banker boxes) to a company in Wichita Kansas prior to the office move to Manhattan in June 2014. KBVE spent \$35,000.00 for BTO to scan all KBVE paper documentation in to electronic format. The end result of paper conversion to electronic format received from BTO was less than satisfactory. Currently, KBVE utilizes a program called DocuWare to access the KBVE digital records via a KDA server. Dr. Hanson provided two different proposals, by two different state approved vendors-- to continue utilizing the DocuWare program verses a more costly approach proposed by OITS whereby KBVE electronic data would be converted yet again.

For the boards' consideration Dr. Hanson summarized similar proposals from both vendors
Proposal #1, at an initial cost of around \$13,000.00, includes the cost of on premise equipment purchase. Data would have to be backed up and removed offsite for recovery. Office staff would need to be technically savvy to maintain the DocuWare server—equipment purchase. There would be additional costs for annual license and storage fees.

In Proposal #2, at a cost of approximately \$4,200 annually, KBVE could house all digitized records in a DocuWare cloud-based application that would be encrypted and backups would naturally occur—from the vendor side; offsite and secure. All software upgrades would be automatic from the backend. Based on the information given, Dr. Dodson made a motion for staff to secure the cloud-based DocuWare license. Dr. Bentz seconded the motion. The motion carried.

This discussion led into the need for the board to revise the KBVE retention schedule of KBVE records with the State Records Board and appointing a records custodian. Athena relayed to the board that there is no current retention schedule for 'case files'. A general retention schedule applies to all agencies and there is no schedule to dispose of electronic files. With KBVE starting over, now would be a good time to make the needed changes in the retention schedule, as it applies to KBVE. Dr. Dodson made a motion to name Cheryl as the KBVE records officer with Dr. Kobuszewski seconding the motion. Athena will work with Cheryl to revise the records retention schedule with the State Records Board.

Dr. Hanson recommended that the Board approach the National Board of Veterinary Medical Examiners-NBVME, to amend the contract signed by KDA that directs the NBVME to declare applicants from KANSAS eligible for the National American Veterinary Licensing Examination-NAVLE. Procedurally, individuals applying through KANSAS will apply directly to NBVME at a cost of \$55.

Individuals that wish to seek a KANSAS veterinary license would need to apply and pay appropriate application fees directly with KBVE.

Prior to the merge with KDA, all applicants that applied through KANSAS, applied for licensure through the application process with KBVE; if the applicant was eligible for KANSAS licensure and within 10 months of graduation, the applicant[s] would be added to an approved NAVLE listing, sent to the NBVME. There was no additional fee associated with seeking KANSAS approval, the cost was part of the application for KANSAS licensure. 50% of Kansas licensees reside and practice outside of our State and take no regulation from KANSAS, they maintain and renew their KANSAS license, year after year, one could surmise because KANSAS has the lowest renewal fee in the nation. Recent data from the American Association of Veterinary State Boards-AAVSB shows the national average of \$151 for annual veterinary license renewal compared to the current license renewal rate of \$95 in Kansas. Dr. Hedrick suggested coordinating a meeting to occur at the AAVSB conference in September with Dr. Heather Case and Dr. Karen Lehe/NBVME Executive Director and Board President respectively. Dr. Dodson made a motion for staff look into amending the contact with NBVME, Dr. Bentz seconded the motion. The motion carried.

Dr Hanson recommended that the board also consider amending the fee regulations that KDA changed; Article 5- exam application fee; monies sent out of State which should stay in Kansas.

As the meeting was wrapping up, Dr. Bogue polled board members if they had anything else they wanted to discuss. Dr. Dodson wanted board members to be thinking about the upcoming budget meeting on 8/26/2016 and moving forward. Dr. Dodson reminded the members that KBVE is a fee funded agency that has been fiscally responsible. The fee[s] haven't been raised for 20+years and nowhere near the statutory caps, established 20+ years ago. KBVE increased the office staff based on the Legislators' recommendation. KBVE is trying to conduct business in the 21st Century on 20th Century budget. The KBVE needs to start the conversation of raising fees.

As the Board develops the program inventories and supporting evidence, Dr. Hanson offered for the Board's consideration, a proposed change to **70-5-1 paragraph (k)**, to depict **veterinary premise; annual inspections and noncompliance inspections \$100**. The Board bought a new state vehicle and has a full-time premise inspector that travels around the State but not has not identified in the strategic performance-- the inspections as a program or identified how it gets its revenue; by modifying the language you have not increased your fees.

Next meeting of the board will be Friday, August 26, 2016, at 10am, in Wamego. Previously adopted by the Board, the future meeting dates are as follows: Wednesday, October 5, 2016 and Wednesday, November 30, 2016—both in Wamego. Tuesday and Wednesday --- January 31st and February 1st 2017 in Topeka.

Signed _____



The signature is handwritten in black ink. It reads "Greg E. Bogue, DVM" in a cursive, flowing script. Below the name is a small, stylized, handwritten mark or signature.