

Draft - MINUTES

KANSAS BOARD OF VETERINARY EXAMINERS
Wednesday, October 5, 2016
714 Plum St.; Wamego, Kansas
Board Meeting

10 This meeting of the Kansas Board of Veterinary Examiners was called to order at 10:05 A.M. by
11 Board President Dr. Bogue. Board Members in attendance in addition to Dr. Bogue were Drs. Bentz,
12 Dodson, Kobuszewski, Ritter, Joseph Allen participated by telephone. Also present in Wamego were
13 Drs. Hanson and Hedrick; Konrad Coe, Cheryl Mermis, Wes Smith, Athena Andaya, Rachael
14 Longhoffer, and Gary Reser.

16 Dr. Bogue welcomed and thanked those in attendance.

18 Dr. Ritter made a motion to adopt the proposed agenda, Dr. Dodson seconded the motion. The
19 motion passed on a voice vote with no dissenting votes.

21 Dr. Ritter made a motion to approve the minutes of the 8/26/2016 board meeting, Dr. Kobuszewski
22 seconded the motion. The motions passed on a voice vote with no dissenting votes.

24 General Counsel Andaya provided the board members an overview of the Kansas Open Meetings
25 Act (KOMA), Kansas Open Records Act (KORA), Kansas Tort Claims Act (KTCA), and the Kansas
26 Administrative Procedures Act (KAPA). The overall message that Athena communicated to board
27 members is, with regard to KOMA, to avoid any board business or interactive communications
28 outside an open meeting because each Board member is subject to an individual fine of \$500 per
29 violation. A violation of the KORA, on the other hand, is a \$500 fine per violation against the agency.
30 With regard to the KTCA, so long as the Board members are acting within their scope of their duties,
31 they would be entitled to representation under the Kansas Tort Claims Act. The Board member must
32 request representation, in writing, from the Attorney General within 15 days after service of a process
33 and must cooperate in his or her defense. Finally, the KAPA are statutes which provide procedural
34 due process to the applicant or licensee when the Board takes action on or against the applicant or
35 licensee.

37 During the trial merge with KDA, some KBVE procedures were eliminated, the Board asked Ms.
38 Andaya to review KBVEs prior policies and procedures and the KDA version; making
39 recommendations on reinstatement of the eliminated policies or possibly make recommendations for
40 additional policies. Ms. Mermis will send board members both documents for side-by-side
41 comparison.

43 Future board agendas will include a public forum; public comments will be limited to 3 minutes for
44 each participant wishing to speak during board meetings.

46 Dr. Hedrick presented a discussion on rabies vaccination request in animal shelter by personnel
47 other than a license veterinarian and potentially conflicting language in statute as it pertains to "direct
48 supervision" and how it would relate to an employee of the animal shelter. K.S.A. 21-1213 is a
49 criminal statute intended to make criminal the injection of any animal rabies vaccine into an

50 animal. Enforcement of this criminal law is up to the local law enforcement agency to investigate and
51 the local prosecutor to prosecute.

52 K.S.A. 47-816 is the definitional statute for the Kansas veterinary practice act (KVPA) which declares
53 that the practice of veterinary medicine is a privilege granted to persons possessed of the personal
54 and professional qualifications specified in this act in order to promote the public health, safety and
55 welfare. The KVPA allows the Board to adopt, amend or repeal rules and regulations for licensed
56 veterinarians regarding the limits of activity for assistants and registered veterinary technicians who
57 perform prescribed veterinary procedures under the direct or indirect supervision and responsibility of
58 a licensed veterinarian pursuant to K.S.A. 47-821. KAR 70-7-1(n)(1) requires each veterinarian shall
59 provide direct supervision of any employee or associate of the veterinarian who participates in the
60 practice of veterinary medicine—direct supervision as defined by the VPA and not the criminal law.
61 No action was taken, the board may take up this issue at a later date.

62
63 Ms. Andaya has been in contact with Allison Conklin/KS Dept. of Administration regarding KBVEs'
64 formally adopted Affirmative Action/Equal Employment Opportunity Policy in January 2011 and the
65 adopted addendum in November 2013; the Sexual Harassment Policy formally adopted in January
66 2004; and the Americans with Disabilities Act policy Statement adopted April 2004. Athena created a
67 draft letter for the board president to reiterate the agency's commitment to the importance of the
68 principles outlined in the board's previous submissions. Dr. Bentz made a motion to approve the draft
69 letter for Dr. Bogue's signature, Dr. Ritter seconded the motion.

70
71 Dr. Hedrick outlined the challenges to scheduling a strategic planning session before the end of 2016.
72 After discussion by the board, January 12-13, 2017 at Rock Springs with the 2nd session in Topeka on
73 January 31-February 1, 2017 were approved for possible dates. Board members would spend half a
74 day on Wednesday, February 1, 2017 at the Capitol. Dr. Hedrick will update board members on
75 logistical planning and the availability of the consultant for the proposed dates.

76
77 Dr. Hedrick led the board discussion on procedural changes to no violation found complaints. Dr.
78 Dodson moved if the investigator could identify no possible violations were contained in a complaint
79 received, the investigator was to provide the complaint to the probable cause reviewers before any
80 investigation was to be conducted. Dr. Bentz seconded the motion. The motion passed on a voice
81 vote with no dissenting votes.

82
83 General counsel Andaya reported she had been reviewing and amending a couple of KBVEs retention
84 schedules; specifically retaining precedent-setting **hearing file records** and **investigation files**. Ms.
85 Andaya provided a proposed revision, a copy of which is attached. Ms. Andaya asked for board
86 approval to add additional language in the retention schedule to include electronic files; KDA
87 mandated KBVE digitize all agency records during the trial merge. Dr. Dodson made a motion to
88 direct Athena to make the necessary changes to the retention schedule to reflect electronic
89 documentation. Dr. Ritter seconded the motion. The motion passed on a voice vote with no dissenting
90 votes.

91
92 Dr. Dodson reported to the board members that she made contact with Doctor Karen Lehe, Chair of
93 the NBVME at the AAVSB annual conference in Scottsdale AZ on 9-22-9/24/2016; to discuss
94 amending the 2-year contract- allowing the NBVME to charge KANSAS-NAVLE candidates \$55 for the
95 approval process—a contract that Dr. Bill Brown at KDA signed on behalf of KBVE. Dr. Dodson
96 reported that Dr. Lehe will present KBVE's request at the next NBVME meeting that will occur in

97 January 2017.

98
99 Mr. Coe reported that since the last board meeting on 8/26/2016; he has conducted 53 premise
100 inspections; 1 non-compliance and 2 change in operating managing doctors. Dr. Hanson reported
101 receiving 5 new complaint cases. Dr. Hedrick reported that KBVE has met all budgetary deadlines to
102 date.

103
104 Dr. Ritter reminded board members that the veterinary feed directive will be implemented in January
105 and has heard that EPA will seek legal actions against veterinarians should violations and/or
106 contaminations occur. Dr. Bentz will inquire to the availability of Dr. Michael Apley to attend the
107 November 30th board meeting and present information on VFDs.

108
109 The next meeting of the Board will be on Wednesday, November 30, 2016 at 10am in Wamego; future
110 meetings to include Tuesday, January 31, 2017-Topeka, and Wednesday, February 1, 2017-Topeka.

111
112 Having no further business before the Board at this time, the meeting adjourned at 1:12 P.M.

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114

115
116 Signed _____

A handwritten signature in black ink, appearing to read "Guyay E. Begay, DVM". The signature is fluid and cursive, with "Guyay" and "Begay" connected, and "DVM" written in a smaller, more formal script below and to the right.