

Draft - MINUTES
KANSAS BOARD OF VETERINARY EXAMINERS
Tuesday, January 30, 2018
900 SW Tyler, Topeka, Kansas 66612

Board Meeting

This meeting of the Kansas Board of Veterinary Examiners was called to order at 1:04 P.M. by Board President Dr. Dodson. Board Members in attendance in addition to Dr. Dodson were Drs. Bentz, Kobuszewski, Ritter, Snyder; Dr. Bogue participated by telephone and Joseph Allen was absent. Also present in Topeka were Dr. Hedrick; Konrad Coe, Cheryl Mermis, General Counsel Athena Andaya, Litigation Counsel Jane Weiler, KVMA Executive Director-Megan Kilgore and KDA/Animal Health Commissioner-Dr. Justin Smith.

Dr. Dodson welcomed and thanked those in attendance.

Dr. Bentz made a motion to adopt the agenda, Dr. Kobuszewski seconded the motion. The motion passed on a voice vote with no dissenting votes.

There was no one present for the public forum.

Ms. Mermis announced additional sentence added to the 11/8/2017 board minutes---Dr. Hanson's intention to retire after 24 years of service to the agency.

Dr. Bentz made a motion to approve the minutes of the 11/8/2017, 11/27/2017 and the 12/18/2017 board meetings, Dr. Kobuszewski seconded the motion. The motion passed on a voice vote with no dissenting votes.

Dr. Justin Smith provided board members an overview of the animal health organization at the Kansas Department of Agriculture. Dr. Smith also requested collaboration with KDA communications to licensees.

Dr. Hedrick briefed the board on the need to review and update the agency's policy and procedure manual which is what staff utilizes for day-to-day guidance to perform tasks. This manual was in place prior to the trial merge with KDA and was revised by KDA during the merge. Staff has reviewed past meeting minutes and identified board approved policies to be added to the policy manual.

Ms. Andaya has begun reviewing both prior and post merge documents. A draft of the updated manual with addendums will be sent to board members prior to the next meeting. .

Drs. Hedrick and Dodson met with Drs. Schwartz, Davis, Renberg, Rush and a few other staff veterinarians at the Kansas State University/Veterinary Health Center in December to foster a better partnership as it relates to institutional licensees that are regulated by KBVE. KSU-staff veterinarians have some concerns about complying with FERPA-Family Educational Rights and Privacy Act and releasing student records

49 that may pertain to a KBVE complaint investigation. Dr. Dodson will ask Athena to
50 review FERPA and if the federal law may circumvent KBVE's ability to obtain
51 documentation that relates to complaint investigations of institutional licensees.

52
53 On April 13, 2018 Drs. Dodson and Hedrick will jointly present to the junior class; Dr.
54 Hedrick will discuss the NAVLE approval process and Dr. Dodson will talk about the
55 function and role of the KBVE---the title of the presentation is Demystifying the Kansas
56 Board of Veterinary Examiners.

57
58 Dr. Hedrick reported on his attendance at the KVMA meeting in Manhattan. The goal
59 was to network with veterinary distributors, relaying the concerns of some Kansas
60 legislators on monitoring control drugs that pass through the veterinarian profession.
61 Dr. Hedrick also reported to the board his interaction with Dwayne Holsapple, DEA
62 Group Supervisor/Kansas City District Office. Mr. Holsapple is very interested in
63 working with KBVE, his office will share Kansas DVMs with active DEA registrations.
64 Ms. Kilgore communicated to board members that she is willing to include KBVE
65 communications to the KVMA membership in their electronic newsletters.

66
67 Dr. Hedrick led the discussion regarding the recent mandate by the Department of
68 Administration, for board members to discontinue driving their personal vehicles for
69 attending board meeting and begin using rental cars from State approved vendors – as
70 a cost saving. Based on the various residential locations of board members, some
71 very remote, the latest communication from state auditor was to continue submitting
72 board member travel expenses as done previously.

73
74 Ms. Andaya researched and located the Attorney General's 1988 opinion; #88-161 on
75 manual pregnancy testing and embryo transfer and whether it is the practice of
76 veterinary medicine and if an unlicensed individual can perform the task. Ms. Andaya
77 relayed that the statute has changed and would like to discuss the board's options and
78 how the board would proceed.

79 It was at this time Dr. Dodson made the following motion, "In order to protect a matter
80 protected by the attorney-client privilege and the public interest, I move that the Board
81 recess into executive session for consultation with our legal counsel, Athena Andaya,
82 Deputy Attorney General and our litigation counsel, Jane Weiler, Assistant Attorney
83 General, to seek legal advice on a potential litigation matter protected by the attorney-
84 client privilege. In addition, I move that Dr. Jay Hedrick, who is part of the client circle,
85 be present in the executive session to aid the board in their discussions. The Board
86 will reconvene the open meeting in this same location in 30 minutes at 2:44 P.M.
87 Dr. Bentz seconded the motion. The motion passed on a voice vote with no dissenting
88 votes.

89
90 Dr. Dodson reconvened the board meeting and polled board members for strategic
91 plan status updates; there was nothing to report at this time.

92
93 The agency staff has been working with legal counsel for clarification and guidance on
94 posting board orders on the agency website.

95
96 Staff Updates:

97 Mr. Coe provided the board an overview of his activities since 11/8/2017 board
98 meeting; completed 243 premise inspections [7/1/2017 – 1/26/2018], there have been
99 9 deficiencies, 11 OMDR changes, 5 new clinics, and 2 follow-up inspections.
100 On December 1, 2017 approximately 292 emails and 40 mailed letters/questionnaires
101 were sent to practitioners- in Kansas; the individuals identified as not working from a
102 registered veterinary premises. There has been a positive response to the
103 questionnaire and staff is updating information that the agency did not have regarding
104 ambulatory veterinarians. This outreach was a response to legislators who wanted
105 KBVE to inspect all mobile practitioners in the state and monitor for compliance to
106 minimum standards of practice that fall under K.A.R. 70-7-1; additionally the
107 questionnaire asked if the licensee has a DEA license which also addresses some
108 concerns of legislators. Mr. Coe estimates that between 100-150 additional
109 inspections will be added to his heavy workload. Konrad reported that he has assisted
110 with complaint investigations and interviews for the agency investigator position.
111

112 Ms. Mermis reported the ever changing numbers of licensees, registrants, and
113 premises; as of 1/11/2018 there were 2650 licensed veterinarians with 52 of those
114 being institutional licenses---veterinary practice activity is restricted to work at KSU;
115 513 registered veterinary premises, and 547 registered veterinary technicians.
116

117 Dr. Hedrick has been corresponding with candidates for the open position for agency
118 investigator. There have been 20 applications received for the open investigator
119 position to date. Being present for legislative committee meetings during the current
120 session is a top priority for the agency. Dr. Hedrick has assumed oversight on
121 complaint cases assisting Assistant AG Weiler with [6] cases. The agency has
122 received [3] new complaints in January.
123

124 There was a lengthy board discussion pertaining to Dr. Smith's request for KBVE
125 partnership for KDA communications to Kansas licensees. Dr. Bentz made a motion to
126 authorize staff, in an emergency situation, to send an email blast, originating from KDA
127 to all Kansas licensees, Dr. Ritter seconded the motion. The motion passed on a voice
128 vote with no dissenting votes.
129

130 Next meetings of the board will be on Wednesday, April 4, 2018, in Wamego and
131 Sunday, June 3, 2018 in Manhattan.
132

133 Dr. Dodson made the following motion "in order to protect the privacy of the non-
134 elected personnel involved, I move that the Board recess into executive session to
135 discuss the qualifications of candidates for the investigator position. We require Dr.
136 Hedrick, executive director to be admitted to the executive session, when requested, to
137 aid the Board in their discussion. The Board will reconvene the open meeting in this
138 same location in 20 minutes.
139

140 Upon reconvening in open session Dr. Bentz made a motion to adjourn the meeting
141 with Dr. Ritter seconding the motion. The motion passed on a voice vote with no
142 dissenting votes.
143 Meeting adjourned at 4:37 P.M.

144 Signed Sherla M. Dodson 4/4/18
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