

**VETERINARY EXAMINING BOARD  
MINUTES  
FEBRUARY 10, 2010**

- PRESENT:** Wesley Elford, DVM; Marthina Greer, DVM; JoAnn Kleman, CVT; Donald Peterson, DVM; William Rice, DVM (via telephone); Robert R. Spencer, DVM
- EXCUSED:** Theresa Waage; Joan Wywialowski
- STAFF PRESENT:** Gail Sumi, Bureau Director; Michael Berndt, Legal Counsel; Karen Rude-Evans, Bureau Assistant; and other DRL Staff
- GUESTS:** Kim Brown Pokorny and Kelly McDowell, Wisconsin Veterinary Medical Association (WVMA); Yvonne Bellay, Department of Agriculture Trade and Consumer Protection (DATCP)

**CALL TO ORDER**

Robert Spencer, Chair, called the meeting to order at 9:03 a.m. A quorum of six (6) members was confirmed.

**APPROVAL OF AGENDA**

**Amendments to the Agenda:**

- **After Item “E”** (open session) Review of Outstanding Legislative Projects should be inserted after page 36
- **After Item “I”** (open session) Additional practice questions should be inserted after page 52
- Dr. Spencer provided a “surgical release form” for reference with practice questions

**MOTION:** Donald Peterson moved, seconded by Wesley Elford, to approve the agenda of February 10, 2010 as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF NOVEMBER 11, 2009**

**Corrections to the Minutes:**

- Page 1 of the Minutes: Under GUESTS, the first person listed, correct spelling of last name from ‘Angel’ to ‘Angell’
- Page 6 of the Minutes: Under PRACTICE QUESTIONS, in the second and third sentences, change “Ms. Greer” to “Dr. Greer”

**MOTION:** JoAnn Kleman moved, seconded by Marthina Greer, to approve the minutes of November 11, 2009 as corrected. Motion carried unanimously.

**BOARD APPOINTMENTS  
(DEFERRED FROM NOVEMBER 11, 2009)**

**Robert Spencer made the following appointments for 2010:**

- Credentialing Liaisons – Jo Ann Kleman and William Rice
- Division of Enforcement Monitoring Liaison – Robert Spencer
- Digest/Communication Advisor – Jo Ann Kleman
- Examination Liaisons – JoAnn Kleman, Donald Peterson
- Legislative Liaison – Robert Spencer
- Impaired Provider Program Liaison – Marthina Greer
- Screening Panel – Jo Ann Kleman, Wesley Elford, Marthina Greer, Joan Wywialowski

**ADMINISTRATIVE REPORT**

**DRL Staff Updates**

Charles Facktor is the new Attorney Supervisor in DOE. He introduced himself to the Board. John Lease is the new Division Administrator in Board Services. Gail Sumi is now a Bureau Director and Tom Ryan was hired as the Bureau Director for the Medical Board. Interviews are being held for new legal counsels. Susan Bird from the Education and Examinations Office has left DRL. Michael Berndt is the new General Counsel and is filling in today as the Board's legal counsel.

**Appearance by DRL Secretary Celia Jackson to discuss Continuing Education Requirements Audits**

Secretary Jackson spoke with the Board regarding continuing education audits. The Board requested proof of CE be received from all licensees who are contacted by the Division of Enforcement.

**Appearance by Division of Board Services Division Administrator John Lease**

John Lease introduced himself and gave a brief history of his background. He looks forward to working with the Board.

**New DRL Website and Consideration of Review of Website Pages Related to the VEB**

The new DRL website went live on February 1, 2010. It is much more user friendly than the former website. JoAnn Kleman will work with Gail Sumi to update the web pages related to the Veterinary Examining Board.

**Discussion of Conducting a Future Meeting by “Live Meeting”**

Gail Sumi discussed “Live Meeting,” which is now available for board meetings. Ms. Sumi will contact the IT Division and will request a demonstration of “Live Meeting” at the May Board meeting.

**Annual DRL Policy Review**

Gail Sumi reviewed DRL policies with the Board. DRL makes hotel reservations for overnight stays for some board members the night before the meeting. Board members must cancel their reservation if they will not be staying overnight.

**PRESENTATION OF PROPOSED STIPULATION**

**RICHARD V. MIOTKE, DVM**

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the disciplinary action against Richard V. Miotke, DVM. This matter will be deliberated during closed session.

**PRESENTATION OF PROPOSED STIPULATIONS RECEIVED IN THE BUREAU  
AFTER PREPARATION OF AGENDA**

None.

**PRESENTATION OF PROPOSED DECISIONS RECEIVED IN THE BUREAU AFTER  
PREPARATION OF THE AGENDA**

None.

**PRESENTATION OF PROPOSED REMEDIAL EDUCATION CASES RECEIVED IN  
THE BUREAU AFTER PREPARATION OF THE AGENDA**

None.

**PRESENTATION OF PETITIONS FOR RE-HEARING RECEIVED IN THE BUREAU  
AFTER PREPARATION OF THE AGENDA**

None.

**SPEAKING ENGAGEMENT AND TRAVEL REQUESTS RECEIVED IN THE BUREAU  
AFTER MAILING OF THE AGENDA**

None.

## LEGISLATIVE LIAISON REPORT

### **2010 Assembly Bill 417, Relating to Requirements for Initial Licensure as a Veterinarian**

Assembly Bill 417 relates to the acceptance of PAVE for initial licensure as a veterinarian. This was scheduled for a public hearing yesterday, however it was cancelled due to inclement weather. At this time, the public hearing has not been rescheduled. The authors of AB 417 have received the Board's correspondence in support of this legislation.

### **Review of Outstanding Legislative Projects – JoAnn Kleman**

JoAnn Kleman reviewed the minutes from past meetings and compiled a list of rules and legislative issues that are outstanding and topics that were never fully addressed. This will be referred to the Rules Review Committee and Legal Counsel to prioritize these items.

## ADMINISTRATIVE RULES SUMMARY REPORT

There was no report.

## RULES REVIEW COMMITTEE REPORT

William Rice reported this has been a greater undertaking than first anticipated. Dr. Rice suggested the Committee meet more often. When legal counsel is hired, they will be an asset to the Committee. JoAnn Kleman stated the Committee will bring all the recommendations to the full Board at a future meeting.

### **DR. YVONNE BELLAY, DVM, DEPT. OF AGRICULTURE, TRADE AND CONSUMER PROTECTION - DISCUSSION OF 2009 WISCONSIN ACT 90 - REGULATION OF PERSONS WHO SELL DOGS OR OPERATE ANIMAL SHELTERS OR ANIMAL CONTROL FACILITIES**

Dr. Yvonne Bellay reported that Wisconsin Act 90 was signed into law by Governor Doyle on December 1, 2009. The process of writing administrative rules has started and the DATCAP has 18 months from the signing of the bill to have the program up and running.

### **PRACTICE QUESTION – CONTINUED DISCUSSION OF WIS. STAT. S. 453.02 (6), REGARDING COMPENSATION AND THE PRACTICE OF VETERINARY MEDICINE – PER THE NOVEMBER 11, 2009 MINUTES - SPECIFICALLY DISCUSSION OF THE BOARD'S ABILITY TO REVIEW COMPLAINTS RELATED TO UNLICENSED PRACTICE AND ALSO THE LICENSURE REQUIREMENTS FOR CONDUCTING ANIMAL PREGNANCY TESTS - MARTHINA GREER, DVM – LOMIRA, WI**

Most animal shelters have a working relationship with a veterinarian; however, this is not the case with all facilities. There have been complaints of unlicensed practice of veterinary medicine by certified veterinary technicians and unlicensed personnel. DRL has come to an agreement

with two shelters; however, this needs to be addressed by statute. The issues of delegation of duties in humane societies and performing animal pregnancy tests are referred to the Rules Committee.

**PRACTICE QUESTION – ALGORITHM ON EXTRA LABEL DRUG USE FOR EDUCATIONAL PURPOSES - MARTHINA GREER, DVM, LOMIRA, WI**

Dr. Marthina Greer spoke to the Board regarding the AVMA algorithm on extra label drug use and compounded drugs. The AVMA will allow this information to be posted to the DRL website with a link to the AVMA.

**PRACTICE QUESTION - CONTINUED DISCUSSION OF COMPOUNDED MEDICATIONS PRESCRIBED BY VETERINARIANS IN WISCONSIN PER THE NOVEMBER 11, 2009 MINUTES - - GLORIA HARRISON, DVM – FREDONIA, WI**

The Board responded to an inquiry from Gloria Harrison, DVM, regarding labeling of compounded medications. The compounding pharmacy label does not have to be on the medication given to the client, however, the clinic label with patient specific dosing instructions and the clinic's information must be on the medication. A prescription fee can be charged to the client for the compounded medication.

**PRACTICE QUESTION – DISCUSSION OF THE STANDARD FOR PROVIDING VACCINATIONS AND INFORMED CONSENT (REQUESTED AT 11/11/09 MEETING)**

The Board responded to a question posed by Alana Ripley regarding administering rabies vaccinations. Wisconsin law requires the individual to have a valid veterinary medicine license or veterinary technician certification to administer rabies vaccine. Under current Wisconsin law, the veterinarian must have an informed consent conversation with the client.

**PRACTICE QUESTION – CAN A CONSENT FORM BE USED BY STAFF WITHOUT DVM CONTACT WITH THE CLIENT – BOB SPENCER, DVM – LA CROSSE, WI**

This question was tabled.

**PRACTICE QUESTION – CAN A CVT PERFORM A CYSTOCENTESIS – MARTHINA GREER, DVM, LOMIRA, WI**

A certified veterinary technician can perform a cytocentesis.

**PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

**ELECTRONIC MEDICAL RECORDS**

Standards need to be set for electronic medical records. This was referred to the Rules Committee.

**RETURN OF UNUSED PRESCRIPTIONS**

Veterinary clinics may set policy as to whether or not clients may return unused prescriptions. All returned prescriptions must be destroyed and cannot be reissued to another client.

**CONTINUING EDUCATION ISSUES RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

None.

**APPLICATION ISSUES RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

None.

**EXAMINATION ISSUES RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER PREPARATION OF THE AGENDA**

None.

**PUBLIC COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** JoAnn Kleman moved, seconded by Donald Peterson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by a roll call vote: Wesley Elford-yes; Marthina Greer-yes; JoAnn Kleman-yes; Donald Peterson-yes; William Rice-yes; Robert R. Spencer-yes. Motion carried unanimously.

The Board recessed into Closed Session at 1:48 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY  
FOLLOWING CLOSED SESSION**

**MOTION:** JoAnn Kleman moved, seconded by Donald Peterson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open session at 2:03 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF  
VOTING IS APPROPRIATE**

**DELIBERATION OF PROPOSED STIPULATION**

**RICHARD V. MIOTKE, DVM  
(05 VET 050)**

**MOTION:** JoAnn Kleman moved, seconded by Donald Peterson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the matter of disciplinary proceedings against Richard V. Miotke, DVM (05 VET 050). Motion carried unanimously.

**REQUEST FOR WAIVER OF CONTINUING EDUCATION  
R.D.S, BVSC**

**MOTION:** Wesley Elford moved, seconded by Donald Peterson, to grant the request for waiver of the continuing education requirement to R.D.S, BVSC. Motion carried unanimously.

**MONITORING REPORTS RECEIVED IN THE BUREAU AFTER MAILING THE  
AGENDA**

None.

**CONSIDERATION OF REMEDIAL EDUCATION CASES RECEIVED IN THE  
BUREAU AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PROPOSED STIPULATIONS RECEIVED IN THE BUREAU  
AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF PROPOSED DECISIONS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**CONSIDERATION OF PROPOSED ADMINISTRATIVE WARNINGS RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**DELIBERATION OF COMPLAINTS RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**DELIBERATION OF PETITIONS FOR RE-HEARING RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**CASE STATUS REPORTS**

None.

**CASE CLOSINGS**

**06 VET 058 (J.S.)**

**MOTION:** JoAnn Kleman moved, seconded by Wesley Elford, to close case **06 VET 058** for no violation. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL**

Michael Berndt, General Counsel, was available to the Board for consultation during closed session deliberation.

**APPLICATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF AGENDA**

None.

**EXAMINATION ISSUES RECEIVED IN THE BUREAU AFTER MAILING OF THE AGENDA**

None.

**APPEARANCES FROM REQUESTS RECEIVED OR RENEWED AFTER MAILING  
OF THE AGENDA**

None.

**ADJOURNMENT**

**MOTION:** JoAnn Kleman moved, seconded by Wesley Elford, to adjourn. Motion carried unanimously.

The meeting adjourned at 2:05 p.m.