

**VETERINARY EXAMINING BOARD
MINUTES
AUGUST 1, 2012**

- PRESENT:** Wesley Elford, D.V.M.; Marthina Greer, D.V.M.; Brenda Nemec, C.V.T.; William Rice, D.V.M.; Sheldon Schall; Robert R. Spencer, D.V.M.; Theresa Waage; Neil Wiseley, D.V.M.
- STAFF:** Tom Ryan, Executive Director; Lydia Thompson, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Sharon Henes, Paralegal; and other Department Staff
- GUESTS:** Yvonne Bellay, Department of Agriculture, Trade and Consumer Protection (DATCP); Jordan Lamb, Wisconsin Veterinary Medical Association (WVMA)

CALL TO ORDER

Robert Spencer, Chair, called the meeting to order at 9:30 a.m. A quorum of eight (8) members was present.

ADOPTION OF AGENDA

Amendments:

- Under PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS (open session), insert:
Thomas J. Gianforte, DVM – 11VET 033
 - Attorney Pam Stach
 - Case Advisor – Neil Wiseley
- Item M (closed session) – under DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS, insert after page 94:
Thomas J. Gianforte, DVM – 11 VET 003
 - Attorney Pam Stach
- Case Status Report – insert at the end of closed session

MOTION: William Rice moved, seconded by Marthina Greer, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 13, 2012

MOTION: Sheldon Schall moved, seconded by Marti Greer, to approve the minutes of June 13, 2012 as written. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS
AND ORDERS**

Thomas J. Gianforte, DVM - 11 VET 033

SECRETARY MATTERS

There were no issues to discuss.

EXECUTIVE DIRECTOR MATTERS

Noted.

**BOARD DISCUSSION ITEMS INCLUDING ANY RECEIVED
AFTER PRINTING OF AGENDA**

PDMP Report Update – Chad Zadrazil, DSPS

Information was presented to the Board.

MOTION: Theresa Waage moved, seconded by Neil Wiseley, to communicate with the Pharmacy Examining Board's Chair regarding the Veterinary Examining Board's concerns with s. Phar 18.04(3)(n) and request that the Pharmacy Examining Board draft an emergency scope statement to remove the requirement to obtain the owner of the patient's date of birth and use the animal patient's date of birth. Motion carried unanimously.

AAVSB Matters - None

Division of Enforcement Matters

DOE Policy Regarding Screening – Jeanette Lytle, DOE Supervising Attorney, Intake and Screening Supervisor

Information was presented to the Board.

Education and Examination Issues/Matters

VTNE Eligibility Update

Noted.

Credentialing Matters – None

Practice Questions/Issues - None

FAQ's

Review of Current FAQ's and Any Additional FAQ's presented by Board Members
FAQ's were reviewed.

Legislation/Administrative Rules Matters:

Review of proposed Orders for Definitions under VE 1.02 and CE Related to Pesticides under VE 7.06, 9.05, 10.02 and 10.04, Wis. Admin. Code
Noted.

MOTION: Neil Wiseley moved, seconded by Brenda Nemec, to adopt the proposed order to amend § VE 1.02(7) and repeal § VE 1.02(8), relating to the definitions of "patient" and "prescription legend animal drugs." Motion carried unanimously.

MOTION: Neil Wiseley moved, seconded by Brenda Nemec, to adopt the proposed order to amend § VE 1.02(7) and repeal § VE 1.02(8), relating to the definitions of "patient" and "prescription legend animal drugs." Motion carried unanimously.

Review of Proposed Rule Revision to VE 1.02, 7, 8 and 9, Wis. Admin. Code
Noted.

MOTION: Wesley Elford moved, seconded by Neil Wiseley, to accept the list for food and fiber as written in § VE 7.03(3)(f) and (g). Motion carried 4 to 3. Sheldon Schall abstained.

MOTION: Brenda Nemec moved, seconded by William Rice, to accept the amendments made today and to have legal counsel bring the revised document to the next meeting for review. Motion carried unanimously.

Review of Proposed Rule Revision to VE 2, 3, 4, 5 and 6, Wis. Admin. Code
Noted.

MOTION: William Rice moved, seconded by Wesley Elford, to delete § VE 6.04(2)(a) and (b) relating to licensure, temporary permit and examination. Motion carried unanimously.

Liaison Reports - None

Speaking Engagement, Travel, Public Relation Requests - None

INFORMATIONAL ITEMS

There were no informational items.

NEW/OTHER BUSINESS

There was no new business.

PUBLIC COMMENTS

There were no public comments.

CLOSED SESSION

MOTION: Robert Spencer moved, seconded by Brenda Nemeč, 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)). Roll Call Vote: Wesley Elford-yes; Marthina Greer-yes; Brenda Nemeč-yes; William Rice-yes; Sheldon Schall-yes; Robert Spencer-yes; Theresa Waage-yes and Neil Wiseley-yes. Motion carried unanimously.

The Board convened into Closed Session at 2:38 p.m.

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

MOTION: Theresa Waage moved, seconded by William Rice, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 3:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

MOTION: Wesley Elford moved, seconded by Sheldon Schall, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Thomas J. Gianforte, DVM, case 11 VET 033**. Motion carried unanimously.

MONITORING

MOTION: Marthina Greer moved, seconded by Sheldon Schall, to grant the request from **Esta Parrish, DVM**, for full licensure. Motion carried unanimously.

CASE CLOSINGS

MOTION: Wesley Elford moved, seconded by William Rice, to close case **12 VET 006 against respondent R.H.N., DVM, for prosecutorial discretion (P1)**. Motion carried. Theresa Waage was excused during deliberation and abstained from voting.

MOTION: Marthina Greer moved, seconded by Wesley Elford, to close case **12 VET 017 against respondents T.C., DVM, and S.V., DVM, for no violation**. Motion carried unanimously.

MOTION: Sheldon Schall moved, seconded by Theresa Waage, to close case **10 VET 024 against respondent B.D., DVM, for no jurisdiction (L2)**. Motion carried unanimously.

NEW/OTHER BOARD BUSINESS

None.

ADJOURNMENT

MOTION: William Rice moved, seconded by Sheldon Schall, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:03 p.m.