

# NEWSLETTER

## Vermont Board of Veterinary Medicine

Vermont Secretary of State, Office of Professional Regulation

**Topics discussed in this issue include: Chairman's Report, Brief Biography of New Board Member; the New Licensing System (eLicense), Online Renewals, Changes in Legislation, Q & A; Disciplinary Actions; Statistics, and more.**

The Board of Veterinary Medicine of is a six member Board created by the Legislature whose members are appointed by the Governor to administer the laws for this profession in the State of Vermont. The Board's mission is public protection. The Board does this by: ensuring that applicants are qualified for licensure; setting standards for the profession by proposing statutes and adopting administrative rules; and, with the assistance of OPR staff, investigating complaints of unprofessional conduct, taking disciplinary action against licensees when necessary to protect the public.

### Board Members

Members are appointed by the Governor. Listed below are the current members of the Board of Veterinary Medicine and the date their terms expire (under the statute, Board members serve until a successor is appointed).

**Mark A. Basol, D.V.M.,**  
Chairman, Vergennes, VT  
(12/13);

**Robert Bergman, D.V.M.,**  
Vice-Chair, Shaftsbury, VT  
(12/11);

**Ronald S. Svec, D.V.M.,**  
Secretary, East Dummerston,  
VT, (12/11);

**J. Drexel Wheeler, D.V.M.,**  
Cornwall, VT (12/13); and  
public members:

**Linda Johnston,** (Public  
Member), Greensboro, VT  
(12/14); and

**Terry York,** (Public Member),  
East Montpelier, VT, (12/12).

The Board and the Office of Professional Regulation welcomes Dr. Wheeler and bids farewell to Dr. Kristin Haas who recently resigned due to many other commitments.

### **Introduction**

The Vermont Board of Veterinary Medicine is pleased to bring you this issue of our Newsletter. We want to update you on changes in the statutes or rules, Board Policies, and general information. We encourage your feedback and input in these matters.

The Board generally meets in Montpelier, Vermont, on the 2nd Thursday, of every even month beginning in February. The meetings are public, and we encourage you to attend.

### Staff

Kristy Kemp serves as the Board's Administrative Assistant. You may reach Ms. Kemp at (802) 828-2373, by fax 828-2465 or via E-Mail: [kkemp@sec.state.vt.us](mailto:kkemp@sec.state.vt.us).

Carla Preston is the Board's Unit Administrator. To reach Ms. Preston, you may call (802) 828-2875 or via E-Mail: [cpreston@sec.state.vt.us](mailto:cpreston@sec.state.vt.us)

Larry S. Novins serves as the Board's counsel.

Christopher D. Winters, Esq. is the Director of the Office of Professional Regulation.

Our Web site is:

<http://vtprofessionals.org/opr1/veterinarians/> On this page you will find links to the laws governing this profession, as well as resources for applicants, licensees, consumers and employers.

### **Chairman's Report**

I hope you enjoy the current issue of the Board of Veterinary Medicine's Newsletter. Over the past few years, much has changed in our day-to-day business life - so too, with the Office of Professional Regulation. An on-line license system is now up and running, just in time for renewals for the coming year (May 2011). We are also in the process of reviewing current rules which we address periodically as statutes change and evolve. Read on for more details.

I would like to take this opportunity to thank Dr. Kristin Haas for her many years of service to the Board. As the Vermont State Veterinarian, Dr. Haas carries a multitude of responsibilities. We are grateful for her public service "double duty" over these past two years. And I do know that her insightful thinking has made my position on the Board much easier. Thank you, Kristin!

I'd also like to welcome a worthy successor to Dr. Haas, Dr. Drexel Wheeler. Dr. Wheeler is a large animal veterinarian who has been practicing in Cornwall, Vermont for over 25 years. As a fellow Addison County practitioner, I look forward to his participation as a member of the Board.

Here's wishing you a great rest-of-the-summer.

Mark Basol, DVM, CVA  
Chairman

### **Brief Biography** **J. Drexel Wheeler DVM**

Dr. Wheeler graduated from North Carolina State University and the University of Tennessee, College of Veterinary Medicine. He began practicing veterinary medicine in 1982 in Newport Vermont. He moved to Addison County in 1984 and concentrated on food animal medicine. Dr. Wheeler established Valleywide Veterinary Services with five other associates in Cornwall Vermont. He is married to Vicki Major who is employed by Middlebury College. They have two sons, William and Samuel who are pursuing their life ambitions. Dr. Wheeler is a member of the AVMA, AABP NMC, VVMA and Lions International. His hobbies include outdoor activities such as fishing, hiking, biking, and skiing.

### **eLicense** **from Director Chris Winters**

I am pleased to give you an update on a major project all of us at OPR have been involved with over the last few years. For well over a decade, we have struggled with our two existing electronic databases for licensing and discipline. As our business has grown, it has become increasingly apparent that these databases are

inadequate for our changing needs. We continue to see rising numbers of licensees and disciplinary complaints, with very little in the way of increased staffing. We need to leverage new technology to help us do our jobs in a more efficient manner as we serve the public. Because of this, we have long been planning a replacement of our existing computer system with a new one called "eLicense."

eLicense is a highly customizable product that allows the client to configure its functions to reflect its business practices. So before we started configuring the new system, we went through a lengthy self-analysis of our business processes, including a step-by-step review of each and every license we offer, cross-checking it with the laws for that profession and the forms we currently use. We did this for nearly 400 license types! We've also reviewed all of the correspondence that leaves this office to build certain standard letters into the system with merge tags so that they can be automatically generated. We've produced about 50 letters so far, with many more to go. On the discipline side, we have configured "actions" into the system (each one being an electronic footprint of a step in the case) so that the electronic record will be detailed and complete and anyone can know the status of a case at a glance.

The new system incorporates our two legacy databases into one, allowing for more complete information in one place about each licensee. Electronic checklists have reduced paper files and encouraged consistency. In eLicense, applicants are entered into the system as soon as they file an application, rather than when they are finally licensed. Any OPR employee from any desk can pull up a file on their computer desktop to answer questions about the applicant or licensee.

All of this has led to more reliable and accessible information, better accounting practices, and more timely deposits. Standard letters can be automatically generated from the system and attached to the electronic licensee file. More advanced reporting functions have allowed managers to glean detailed information about workloads, timelines, and the status of applications and cases. These reporting functions also translate into additional information available to the public through our website.

Other eLicense features include the ability for applicants to look up the status of their pending applications online, greatly reducing the number of phone calls to OPR. The general public can search for licensees by a variety of search criteria.

Online license renewals have been the latest phase of the project which saw a successful

launch in March. You should expect your profession to renew online this cycle, saving both you and our office staff time and money.

As you might imagine, this ambitious undertaking, on top of our regular everyday workloads, was a real challenge. The beauty of eLicense is its adaptable nature. Every day we discover new ways to harness its power and improve upon what we do. Although it has been a long and painful journey to get to this point, it has been well worth it. Along the way, we have discovered many ways to improve our business processes. It has been a great team-building exercise and has helped us to think critically and innovate around our long-standing ways of doing things here at OPR.

The OPR staff deserves a large amount of the credit for the parts they played in making this a reality. They took on a rather large extra workload and embraced this difficult change. With a year of eLicense now under our belts, I am excited for what is in store for us next as we strive to uphold our reputation as a responsive and innovative state agency.

#### Online Renewals

As mentioned above, you will have the ability to renew your license online. You will be sent a Notice with your User ID and Password about six weeks prior

to the expiration date (Mid April of 2011).

You are required to verify that you have fulfilled the 24 hours of required continuing veterinary medical education before your license will be renewed.

It is your responsibility to accurately document and/or track your continuing veterinary medical education credit hours. Such documentation should be retained for a period of seven (7) years after the completion of the program. **To assist you in documenting your continuing veterinary medical education, please download the CVME Record from our web site at**

<http://vtprofessionals.org/opr/1/veterinarians/> The Board of Veterinary Medicine plans on verifying information stated by applicants for renewal through an audit process. (See Board Rule 3.7 re CE requirements below.)

#### Statutory Amendments

Effective July 1, 2008

Sec. 34. 26 V.S.A. § 2402(b) is amended to read:

(b) A person who violates a ~~provision of this chapter subdivision (a)(1), (2), or (3) of this section~~ or who obtains a license by fraud or misrepresentation shall be ~~imprisoned not more than 90 days nor less than 30 days or fined not less than \$500.00 or more than \$5,000.00, or both~~

subject to the penalties provided in subsection 127(c) of Title 3.

Sec. 35. 26 V.S.A. § 2424(a) is amended to read:

(a) ~~The director of the office of professional regulation, with approval of the board;~~ shall, upon application and payment of the required fee, issue a license without a written examination to a person who:

(1) holds a current license in good standing in another state, a territory of the United States or a Canadian province; and

(2) has passed:

\* \* \*

(C) an equivalent examination, as established by the board; ~~and~~

~~(3) has actively practiced clinical veterinary medicine for 3,000 hours during the three years preceding application.~~

### **Repealed Provisions**

Sec. 41. 2427 (temporary licenses for veterinarians) was repealed as of July 1, 2009.

### **Statutory Amendments to Title 3**

Please note that there were changes made to Title 3, §§ 129a - 129b that affect all professions. Those changes may be viewed via our Web site at [www.vtprofessionals.org](http://www.vtprofessionals.org).

### **Tamper Resistant Prescription Pads**

Prescribers, please note: As of January 1, 2010 all written Vermont prescriptions must be written on tamper resistance prescription pads.

The Rules are at the Pharmacy Board's section of the OPR web site,

<http://vtprofessionals.org>

### **Vermont's Prescription Confidentiality Law Prescriber Data-Sharing Program**

Title 18 V.S.A. Ch 91, § 4631 (c)(1) states, The department of health and the office of professional regulation, in consultation with the appropriate licensing boards, shall establish a prescriber data-sharing program to allow a prescriber to give consent for his or her identifying information to be used for the purposes described under section (d) of this section. The department and office shall solicit the prescriber's consent on licensing applications or renewal forms and shall provide a prescriber a method for revoking his or her consent. The department and office may establish rules for this program. <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=18&Chapter=091&Section=04631>

Pursuant to our recent interpretation, veterinarians are not subject to this requirement. It **will not** be part of your

veterinarian renewal application in 2011.

### **Record Keeping** (worth repeating - from 2007)

The State Veterinary Board would like to remind all practitioners of the huge importance of thorough record keeping. It has been our experience that all too often incomplete and illegible records of patient care and client communications are provided to investigate a complaint.

Each patient should have its own medical record identifying the client's information and all patient information. On each dated occasion for an examination, records need to show the presenting complaint based on signs, not the owner's presumed diagnosis. A thorough history and findings should be documented outlining a tentative or definitive diagnosis. Diagnostic and therapeutic plans including all tests performed and medications prescribed must be documented. Any surgical procedure should be described in adequate detail to include findings, treatment, and anesthetics used. Clear instructions are a major portion of the appointment or discharge. It is helpful to include in the records any suggestions regarding referrals to a specialist or client waivers of recommended care. All conversations regarding an animal should be noted on its patient history. It is also

important to record the patient's response to the care.

Record keeping should be of the problem-oriented approach for clarity and ease in retrieval. This method recognizes that multiple problems can exist at one time, and prevents the information for each from being compiled together with another. All notes should be legible to anyone reading the notes and signed at each entry with the provider's initials or name. All of these recommendations not only help insure good and thorough medicine, it also is your means of support in legal matters.

### **Continuing Education Requirements**

#### **3.7 CONTINUING EDUCATION REQUIREMENTS**

Documentation of 24 continuing education units (CEU) from Board-approved state, regional, or national veterinary medical education programs is required for license renewal. Programs offered by the following organizations do not require advance approval: Vermont Veterinary Medical Association (VVMA), AVMA, AVMA-accredited veterinary colleges, or programs certified by the AAVSB through its Registry of Approved Continuing Education (RACE). Articles in Veterinary Learning Systems Compendium for continuing education may be used for up to eight credit hours if the licensee provides proof of

successful passage of the corresponding examinations. Other programs may be accepted at the Board's discretion if the program outline, including learning objectives, and the names and qualifications of the presenters are submitted to the Board. CEU's may not be transferred or carried over from one renewal period to another. The Board may conduct random audits to verify completion of continuing education up to six years after a license is renewed. Upon request by the Board, the licensee shall submit certificates of completion for all programs listed in the licensee's renewal application. Before renewing a license, the Board may require an applicant who fails to complete sufficient CEU's for license renewal to develop and complete a specific corrective action plan within 90 days. The Board will not renew the license of an applicant who fails to complete such a corrective action plan within the 90-day grace period. For applicants granted initial licensure by the Board, the requirement to accumulate CEU's shall commence on the opening date of the first biennial renewal period following grant of initial licensure. Not more than four hours of practice economics or practice management will be accepted for continuing education credit per renewal period.

### **More information about Continuing Veterinary Medical Education**

It is the Board's intent that Licensees receive high quality Continuing Veterinary Medical Education credits from professionally recognized organizations at conferences. This creates personal interactions among veterinarians that will enhance the learning experience. Nevertheless, the Board recognizes that valuable education programs are available elsewhere. The Board's Rule, at present, permits obtaining CVMEs from online programs. However, these must be approved by recognized organizations as detailed in Board Rule 3.7 below.

Programs that are not pre-approved may be submitted to the Board for consideration. Continuing education credit may be given for programs that are relevant to the diagnosis, treatment, and prevention of animal disease. This approval may be given provided that the licensee demonstrates the professional level of the program by submitting a program outline, including learning objectives, names and qualifications (Curriculum Vitae) of the presenter(s) to the Board. A form is available on our Web site to request approval of a continuing education program.

Program providers that are not pre-approved are encouraged to apply directly to the American Association of Veterinary State Board (AAVSB)'s, Registry of Approved Continuing Education (RACE) for approval. Contact them by phone at (877) 698-VIVA, mail to 3100 Main Street, Suite 208, Kansas City, MO 64111, or E-Mail: [info@aavsb.org](mailto:info@aavsb.org) Visit their Web site at: [www.aavsb.org](http://www.aavsb.org)

### **Rulemaking Process**

The Board has been reviewing its current rules for updates to agree with the new statutes which have been amended over the past few years. The rules have not been updated since June 15, 1999. Whenever there are discrepancies between the statute and the rule, the statute governs. The Board will soon have draft rules posted on its web page for your review and comment. The Board will begin the formal rulemaking process later in 2010. Please review the draft rules and send your comments to the Board.

### **Questions & Answers**

**(Q)** How many online continuing education credits will the Board accept? I wish to complete continuing education programs that are offered online. The credits are approved by the AAVSB's RACE program or by another body accepted by the Board.

**(A)** The Board finds significant value in licensees participating in live CE programs where one can interact with the presenter and colleagues. At this time, the Board would not reject RACE approved on-line courses or other such programs offered by Board-approved presenters.

### **Complaints**

(worth repeating - from 2007)

The Board of Veterinary Medicine must investigate all allegations of unprofessional conduct submitted. What follows is a composite of some of the issues that may result in the filing of a complaint against a practitioner. Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Board's statutes and rules, the Office will order an investigation.

Although many complaints do not result in disciplinary action, they are still investigated. Many of those complaints that are closed without prosecution might have been avoided altogether had the practitioner better communicated with the client.

If a complaint is filed, and the Investigative Team finds unprofessional conduct, the Board may take disciplinary action after a hearing. We hope that you will read this summary of common complaints carefully. It does not cover

every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

1) Poor communication. Be sure to communicate well with your patients, colleagues, and your employees.

2) Attitude. The Investigative Teams find that many cases are brought to the Office of Professional Regulation because the professional appears to have had an "attitude" that was flippant or seen as condescending.

3) Release Instructions. Investigative Teams have found that many practitioners simply verbalize post operative care which may involve multiple instructions to clients. Often those instructions are not followed properly, which may have disastrous results.

The Board strongly recommends that practitioners prepare written instructions for post operative release care, which covers administration of medications, foods, activities to avoid, and so on.

4) Expired License. Failing to renew and continuing to practice with an expired license is unprofessional conduct.

5) Poor Record keeping. Failing to maintain adequate patient records, drugs prescribed, anesthesia used, a drug

inventory, etc. is unprofessional conduct.

### **Disciplinary Actions**

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The Press Release includes the name of the Respondent, profession, and a brief description of the disciplinary action taken. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below. The direct link to the search page is:

<http://vtprofessionals.org/opr1/searchdiscipline.htm> .

The Board took action against licensees as indicated below (Since May of 2007)

Licensee: Morgan J. Hennessey, D.V.M., Arden Hills, Minnesota  
Violation: The Respondent did not properly handle an emergency situation which resulted in a dog's death.  
Sanction: Pursuant to an August 10, 2007 Stipulation and Consent Order, the Respondent's license was Reprimanded.

Licensee: John A. Eustis, D.V.M., South Burlington, Vermont  
Violation: The Respondent failed to identify a dog's dental disease and note it in the dog's medical records.  
Sanction: Pursuant to a December 12, 2008 Board

Order, the Respondent's license was Warned and Conditioned. The Respondent was required to participate in a six hour clinical mentorship on proper dental examination and treatment.

Licensee: Robert M. Hicks, D.V.M., Fort Collins, Colorado  
Violation: The Respondent did not properly secure or record controlled substances or patient records.

Sanction: Pursuant to a February 13, 2009 Stipulation and Consent Order, the Respondent's license was Reprimanded and Conditioned. The Respondent was required to submit quarterly inventory reports of his Controlled Substances II-V. The Respondent surrendered his DEA Registration.

Licensee: Robert M. Hicks, D.V.M., Fort Collins, Colorado  
Violation: The Respondent petitioned the Board for removal or modification of the Conditions which would allow him to obtain licensure in another jurisdiction.  
Sanction: Pursuant to a July 9, 2010 Board Order, the Conditions were modified.

Licensee: Marie Jennings Casiere, D.V.M., Fairlee, Vermont.  
Violation: The Respondent failed to recognize rabies symptoms in a kitten which exposed humans.  
Sanction: Pursuant to a July 8, 2009 Stipulation and Consent Order, the Respondent's license

was Warned and Conditioned. The Respondent was required to take four hours of rabies protocol training.

Licensee: Ben B. Dow, D.V.M., Putney, Vermont  
Violation: The Respondent failed to properly treat a cat with chronic constipation, did not adequately document the course of events that lead to the cats death or his efforts to rehydrate and stabilize the cat, etc.

Sanction: Pursuant to a December 17, 2009 Stipulation and Consent Order, the Respondent's license was suspended for a period of two weeks and Conditioned. The Respondent was required to complete a course in clinical documentation and pay a \$500 administrative penalty.

Licensee: Steven P. Sanford, D.V.M., Derby, Vermont  
Violation: Substance abuse.  
Sanction: Pursuant to a February 26, 2010 Order before an Ad hoc Board, the Respondent surrendered his veterinary license.

Licensee: Andrew M. Krause, D.V.M., North Haverhill, New Hampshire  
Violation: The Respondent performed veterinary services in Vermont while his license was inactive.  
Sanction: Pursuant to an April 12, 2010 Stipulation and Consent Order, the Respondent's license was Warned and he was required to

pay a \$1000 Administrative Penalty.

Licensee: Gertraud H. Matt, D.V.M., Brattleboro, Vermont  
 Violation: The Respondent failed to prescribe antibiotics after a surgical procedure which resulted in an infection, failed to adequately document anesthesia and suture material used when performing surgeries, failed to adequately document prescribed medications, follow-up recommendations, etc.  
 Sanction: Pursuant to a July 9, 2010 Stipulation and Consent Order, the Respondent's license was Warned and Conditioned for one year. The Respondent is prohibited from performing sterile surgeries, must satisfactorily perform three supervised sterile surgeries (more if unsatisfactory), submit quarterly reports from the supervisor/mentor, etc.

### **Annual Report**

The Office of Professional Regulation's Annual Report is available online. It contains statistics for all professions regulated within the Secretary of State's Office. The statistics include budgets, complaints, disciplinary actions, number of licenses issued, and so on.

### **Web Site**

The Board's Web site, [www.vtprofessionals.org](http://www.vtprofessionals.org) is a great resource for information. There you may find the current statutes and rules. You may

check the status of your application, look up a licensee, review disciplinary actions, etc. You will find our updated applications and forms on our Web site. You will also find important announcements such as the ability to renew online!

Lists of licensees may be downloaded from our Web site.

### **Statistics**

For your information we currently have 587 Active Veterinarians (365 Resident; 222 Non-Resident).

Please note that all of our meetings are public and we encourage you to attend. Meeting dates for the rest of 2010 are as follows: August 12<sup>th</sup>, October 14<sup>th</sup>, and December 9<sup>th</sup>. Please contact the Office if you plan to attend a meeting to verify the date and time.

### **Contact us**

**Vermont Secretary of State  
 Office of Professional  
 Regulation  
 Board of Veterinary Medicine  
 National Life Building, North,  
 FL 2  
 Montpelier, VT 05620-3402  
 Phone: (802) 828-2373  
 (E-Mail):  
[kkemp@sec.state.vt.us](mailto:kkemp@sec.state.vt.us)  
[www.vtprofessionals.org](http://www.vtprofessionals.org)**

### **Miscellaneous**

For applications, statutes, rules, and more go to the Board's Web site at:

[www.vtprofessionals.org](http://www.vtprofessionals.org)

### **Other Web addresses:**

Vermont Department of Health:

[www.state.vt.us/health](http://www.state.vt.us/health)

Vermont Legislature:

[www.leg.state.vt.us](http://www.leg.state.vt.us)

Vermont Dept. of Agriculture:

[www.agr.state.vt.us](http://www.agr.state.vt.us)

United States Department of Agriculture (USDA) Revises Veterinary Accreditation Program

Information about the accreditation program can be found on the National Veterinary Accreditation Program (NVAP) Web site at <http://www.aphis.usda.gov/nvap/>.