

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

Minutes

The Nevada State Board of Veterinary Medical Examiners will conduct a board meeting on

Thursday, October 21, 2021 at 9:00AM

4600 Kietzke Ln. Suite O-265

Reno, NV 89502

and

at the following conference number:

1-857-799-9907

Board Members Present

Steve Damonte, DVM, President
Ronald Sandoval, DVM, Vice President
John Bullard, DVM
Jacqueline Peterson
James O'Dea, DVM
Deborah White, DVM
Michael Knehr, DVM
Melissa Schalles, LVT

Board Staff Present

Jennifer Pedigo, Executive Director
Christina Johnson, LVT, Hospital Inspector
John Crumley, DVM, Board Investigator
Louis Ling, Esq., Board Counsel
Corretta Patterson, DVM, DACVIM, Board Investigator

Dr. Damonte, the Board president, call the meeting to order at 9:01 am. He took roll of Board members and staff, all were present. Dr. O’Dea left the meeting at 12:27 p.m. and Ms. Schalles left at 4:45 p.m.

Public Comment: Dr. Dennis Olsen commented on the LVT/ VTIT point system for applicants who have not graduated from AVMA accredited programs.

CONSENT AGENDA

1. Approval of Consent Agenda for Possible Action

A. 05-2021FAC-32

B. 06-2021FAC-42

Discussion: The complaints were reviewed by the Board.

Motion: Ms. Schalles moved to accept the review panel’s recommendations for dismissal for Items A – B.

Second: Dr. White

Passed: Unanimous; Dr. Sandoval abstained from Item 1A; Dr. Damonte abstained from Item 1B.

No public comment was given.

2. Approval of Board Minutes for Possible Action

A. July 22, 2021 Board Meeting minutes

B. September 14, 2021 LVT/VTIT Alternate Credential Ad Hoc Committee

C. September 24, 2021 Regulation Workshop minutes

Discussion: Dr. White noted typographic errors on 2B. Typographical errors were noted. Ms. Pedigo recorded the errors to be corrected.

Motion: Dr. White moved to accept the minutes with corrections.

Second: Dr. Sandoval

Passed: Unanimous.

REGULAR AGENDA

3. Review & Determination of Complaints/Disciplinary Action & Disciplinary Hearings for Possible

Action: The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

A. 09-2020DVM-63: Brian Rokos, DVM (2730): Settlement Agreement

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Knehr moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Damonte abstained.

No public comment was given.

B. 11-2020FAC-76: Blue Pearl Sierra Veterinary Specialists (H408): Settlement Agreement or Board decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Sandoval moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Bullard abstained.

No public comment was given.

C. 02-2021DVM-18: Lisa Lewis, DVM (2127): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Ms. Schalles moved to accept the Settlement Agreement.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

No public comment was given.

D. 03-2021DVM-21: Mark Ben Paulino, DVM (2900): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Sandoval moved to accept the Settlement Agreement.

Second: Dr. White

Passed: Unanimous; Dr. Knehr abstained.

No public comment was given.

E. 06-2021FAC-49: West Charleston Animal Hospital (H282): Settlement Agreement or Board Decision for Administrative Hearing.

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Settlement Agreement.

Motion: Dr. Damonte moved to accept the Settlement Agreement.

Second: Dr. Knehr

Passed: Unanimous; Ms. Schalles abstained.

No public comment was given.

F. 04-2021DVM-27; 04-2021DVM-28

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Sandoval moved to dismiss the complaint against both licensees.

Second: Dr. White

Passed: Unanimous; Dr. Knehr abstained.

No public comment was given.

G. 04-2021DVM-29; 04-2021DVM-30; 04-2021FAC-31

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees and facility because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Bullard moved to dismiss the complaint against all parties.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

Public comment was given.

H. 05-2021DVM-33

Discussion: After discussion of the complaint assessment with the review panel, the Board moved to issue a Letter of Correction.

Motion: Dr. White moved to issue a Letter of Correction.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Damonte abstained.

No public comment was given.

I. 05-2021FAC-34

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaints with a Letter of Concern.

Motion: Dr. Knehr moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Schalles abstained.

No public comment was given.

J. 05-2021DVM-35; 05-2021DVM-36

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees and facility because there was not sufficient evidence to determine that the licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Sandoval moved to dismiss the complaint against both licensees.

Second: Ms. Schalles

Passed: Unanimous; Dr. Knehr abstained.

Public comment was given.

K. 05-2021DVM-37

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint with a Letter of Concern.

Motion: Dr. Sandoval moved to dismiss the complaints with a Letter of Concern.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained.

No public comment was given.

L. 05-2021DVM-38

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the licensee.

Motion: Ms. Schalles moved to have staff and Mr. Ling initiate disciplinary action the license.

Second: Dr. Sandoval

Passed: Unanimous; Dr. O'Dea abstained.

Public comment was given.

M. 05-2021DVM-39

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the licensee.

Motion: Dr. Sandoval moved to have staff and Mr. Ling initiate disciplinary action the facility.

Second: Dr. O'Dea

Passed: Unanimous; Dr. Knehr abstained.

Public comment was given.

N. 05-2021DVM-40

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint with a Letter of Concern.

Motion: Dr. Sandoval moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained.

No public comment was given.

O. 05-2021DVM-41

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint against the licensee because there was not sufficient evidence to determine that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Knehr

Passed: Unanimous; Dr. Bullard abstained.

No public comment was given.

P. 06-2021DVM-50; 06-2021DVM-51; 06-2021FAC-52

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the facility (**06-2021FAC-52**) and dismiss the complaint against the licensees (**06-2021DVM-50 & 06-2021DVM- 51**) due to insufficient evidence that the licensee committed an act which constitutes disciplinary action.

Motion: Dr. Knehr moved to have staff and Mr. Ling initiate disciplinary action against the facility and dismiss the complaint against the individual licensees.

Second: Dr. O'Dea

Passed: Unanimous; Dr. White recused herself due to prior knowledge.

No public comment was given.

4. Requests for Review/Approval/Waiver of Registration, Licensure Requirements, Examination Requirements, Extensions, Education Approval, Criminal Background, Disciplinary Actions, or Reinstatement (For Possible Action)

A. Steven Boyer, DVM: Veterinarian Application for Review

Discussion: The Board reviewed all documentation presented. Dr. Boyer and his attorney were present on the call.

Motion: Dr. Knehr moved to table the application until the case in California is adjudicated.

Second: Ms. Schalles

Passed: Aye- Dr. White, Dr. Damonte, Dr. Knehr, Dr. Bullard, Ms. Peterson, Ms. Schalles; **Nay-** Dr. Sandoval

B. Michael Kahan, DVM: Veterinarian Application for Review

Discussion: The Board reviewed all documentation presented. Dr. Kahan was present on the call.

Motion: Dr. Sandoval moved to deny Dr. Kahan's application for licensure

Second: Dr. White

Passed: Aye- Dr. White, Dr. Damonte, Dr. Sandoval, Dr. Bullard, Ms. Peterson, Ms. Schalles; **Nay-** Dr. Knehr

C. Bridget Flannery: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Flannery was not present for discussions.

Motion: Dr. Sandoval moved to deny Ms. Flannery's registration request.

Second: Dr. Bullard

Passed: Unanimous.

D. Tinsley Kim: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Kim was not present for discussions.

Motion: Dr. Knehr moved to deny Ms. Kim's registration request.

Second: Dr. White

Passed: Unanimous.

E. Yasmin Garcia: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Garcia was not present for discussions.

Motion: Dr. Sandoval moved to deny Ms. Garcia's registration request.

Second: Dr. White

Passed: Unanimous.

F. Kelsey Bassett: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Bassett was not present for discussions.

Motion: Dr. Sandoval moved to accept Ms. Bassett education for licensure.

Second: Dr. Knehr

Passed: Unanimous.

G. Maria Estes: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Ms. Estes was not present on the call.

Motion: Dr. Knehr moved to extend Ms. Estes' VTIT registration 6 months.

Second: Dr. Sandoval

Passed: Unanimous.

H. Jeremy Gibeau: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Mr. Gibeau was not present on the call.

Motion: Dr. Knehr moved to extend Mr. Gibeau's VTIT registration 6 months.

Second: Dr. Sandoval

Passed: Unanimous.

I. Avery Campbell: Request for extension of VTIT registration

Discussion: The Board reviewed all documentation presented. Mr. Campbell was not present on the call.

Motion: Dr. Knehr moved to extend Mr. Campbell's VTIT registration 6 months. No further extensions will be considered without taking the VTNE.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White recused herself.

J. Sayed Dadsepah: Request for extension of VGAL registration

Discussion: The Board reviewed all documentation presented. Dr. Dadsepah was present on the call with Dr. Randy Stanton.

Motion: Dr. Knehr moved to extend Mr. Dadsepah's VGAL registration for 1 year.

Second: Dr. White

Passed: Unanimous.

K. Christopher Zwick, VTIT: Request for review and approval of application for LVT licensure

Discussion: The Board reviewed all documentation presented. Mr. Zwick was not present on the call.

Motion: Dr. Knehr moved to accept Mr. Zwick's application for LVT, with the continued stipulations ordered on Mr. Zwick's VTIT registration.

Second: Dr. Sandoval

Passed: Unanimous. Dr. White recused herself.

5. Elections of Board Officers (For Possible Action)

Nominations for Treasurer: **Dr. White**

1st Dr. O'Dea

2nd Dr. Knehr

Passed: Unanimous

Nominations for Vice President: **Dr. O'Dea and Dr. Knehr**

Discussion: Ms. Schalles nominated Dr. O'Dea, Dr. Bullard nominated Dr. Knehr.

Vote:

Dr. O'Dea- Aye: Dr. Knehr, Dr. Sandoval, Dr. Damonte, Dr. O'Dea, Ms. Schalles.

Dr. Knehr- Aye: Dr. Bullard, Dr. White, Ms. Peterson

Vice President- Dr. O'Dea

6. Regulation Workshop-Discussion and Determination of Possible Regulations (For Possible Action)

A. Reviewing draft language and possible topics for regulation changes on the following:

The comments from the workshop are a summary and are not meant to serve as a transcript of discussions.

No public comment at start of workshop.

Ms. Pedigo presented the draft language from the September 24, 2021 workshop.

Physical examination language

Dr. Sandoval- believe that both 'objective' and 'subjective' should be in the definition.

Louis Ling- The language in purple is new language and green has been stricken. This is language based on input from the AVMA after discussions at the previous workshop.

Ms. Pedigo- from written comments from the AVMA– a suggestion that 'animals in a group' be removed from the language referring to a herd.

Mr. Ling- agree that removing that comment clarifies the language.

Michelle Wagner- agree that removing that statement clarifies, but do we need further language to avoid ambiguity?

Ms. Schalles- No, it can be fixed with a period.

Dr. Damonte- Is subjectively and objectively defined well enough in our language?

Mr. Ling- the terms are commonly used and don't require further defining in our language.

Ms. Pedigo- from the written comments- there are concerns regarding 'physically proximate vs. on premises/onsite to remove work arounds. 'On site/premises' coincides with language in AB200. What would be clearer for practitioners?

Dr. Sandoval- On premises is more clearly defined. Physically proximate could be looking from across the fence.

Ms. Pedigo- Don't believe they are in conflict, but would need the clearest language.

Dr. Knehr- 'On site' is more definitive, 'physically proximate' is more ambiguous and can be interpreted differently depending on how it can best suit needs of practitioner.

Dr. White- Agree with Dr. Knehr. Physically proximate could be achieved by video or teleconference rather than as a physical presence.

Ling- We are blurring some of the language. The 'in person' portion does not need to be defined at this time. It is already defined in the next section.

Alisa Nave- Would like to insure a clear and concise definition of a physical exam as we move into telemedicine.

Louis Ling- the language says both physically proximate and hands on to complete an evaluation of an animal.

Dr. Damonte- Hands on is not always possible in a large herd setting so observation is of the herd is used to evaluate, meaning both on site or physically proximate should remain in the language as well for herd medicine.

Mr. Ling- Amendment should add 'and subjective' in subsection 1 and subsection 2.

Dr. O'Dea – and striking the last line "group of like animals should be treated..."

Mr. Ling- There was one other change in subsection 3. Pro-rating licensing fee.

Ms. Pedigo- If the Board would like to proceed with the changes discussed we can present them to LCB for review. When the language is returned a hearing will be set for adoption of the language allowing for discussion and public comment before adopted.

Ling- The hearing will be set with 30 days' notice and hopefully be accepted by the end of the year.

Motion: Dr. Sandoval moved to send draft language to LCB for review.

Second: Dr. Schalles

Passed: Unanimous.

Public Comment: Where can the language that was presented today be found? Ms. Pedigo explained where it can be found on our website.

Dr. Damonte closed the workshop.

7. Staff Reports (For Possible Action)

A. Administrative Report- Christina Johnson, LVT

Item not presented

B. Inspection Report-Christina Johnson, LVT

Item not presented.

C. Financial Report-Jennifer Pedigo, Executive Director

Ms. Pedigo presented the available financial data.

D. Legal Report, Louis Ling, Esq

Mr. Ling updated the Board on the completed federal case and pending DETR matter.

E. Legislative Report- Neena Laxalt

Ms. Laxalt presented the legislative update.

8. Consideration and Discussion of Possible Future Regulation, Statute, or Policy Items (For Possible Action)

A. CBD Products in Veterinary Practice

Ms. Pedigo discussed a draft policy for the board regarding CBD for veterinary practitioners.

B. Ad Hoc Committee Report Regarding Point System for LVT/VTIT Application Evaluation

Ms. Pedigo presented an update on discussions from first meeting of the Ad Hoc committee.

C. Telemedicine Unlicensed Practice Enforcement

Item not presented

D. Review of Draft Language for Future Regulations

Item not presented

E. Complaint Investigation Process by Committee

Discussion: Ms. Pedigo presented the investigative committees

Motion: Dr. White moved to go forward with investigative committees.

Second: Dr. Knehr

Passed: Unanimous.

9. Continuing Education-Request for approval of CE's (For Possible Action)

A. *"Osteoarthritis: Incorporating Nutraceuticals and Intra-Articular Therapy into Traditional Management Modalities"*, 1 hour.

Discussion: Ms. Schalles has reviewed the program and recommends the program for approval

Motion: Dr. Knehr moved approve the Nutramax CE program.

Second: Dr. Sandoval

Passed: Unanimous.

10. Executive Director Performance Review and Consideration of Salary Increase (For Possible Action)

Dr. Sandoval presented the executive director's review comments collected from the Board for review and consideration.

Motion: Dr. White moved to table executive director's review until January Board meeting for further review.

Second: Dr. Damonte

Passed: Unanimous.

11. Agenda items for next meeting

None.

12. Public Comment: No public comment.

13. Adjournment for Possible Action

Motion: Dr. Sandoval moved to adjourn at 6:00 pm.

Second: Dr. Knehr

Passed: Unanimous.