

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

PUBLIC NOTICE

AGENDA

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

Thursday, July 22, 2021 at 8:00AM

Aloft Hotel

2015 Terminal Way

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

Melissa Schalles, LVT

James O'Dea, DVM

Deborah White, DVM

Michael Knehr, DVM

Board Staff Present

Jennifer Pedigo, Executive Directors

Christina Johnson, LVT, Hospital Inspector

John Crumley, DVM, Board Investigator

Louis Ling, Esq., Board Counsel

Dr. Damonte, the Board president, call the meeting to order at 8:12 am. He took roll of Board members and staff, all were present. Ms. Jacqueline Peterson was not present. Ms. Schalles was attending remotely.

CONSENT AGENDA

1. Approval of Consent Agenda for Possible Action

A. 02-2021DVM-07

Motion: Dr. Sandoval moved to move Item 1A to the regular agenda for review and discussion.

Second: Dr. Damonte

Passed: Unanimous; Dr. Bullard abstained.

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

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Bullard abstained.

No public comment given.

B. 02-2021DVM-08

C. 02-2021DVM-13

D. 03-2021DVM-24; 03-2021DVM-25

Discussion: The complaints were reviewed by the Board.

Motion: Dr. O’Dea moved to accept the review panels recommendations for dismissal for Items B - D.

Second: Dr. Knehr

Passed: Unanimous; Dr. White abstained from Item 1C; Ms. Schalles abstained from Item 1D. Ms. Peterson was not present for Item 1B.

No public comment was given.

2. Approval of Board Minutes for Possible Action

A. March 30, 2021 Board Meeting minutes

B. April 22, 2021 Board Meeting minutes

Discussion: Dr. Sandoval noted discrepancy with the April 22, 2021 minutes Item 3 A. Should have been moved by Dr. Damonte and second by Dr. White.

Motion: Dr. Sandoval moved to accept the minutes for March 30, 2021 and April 22, 2021 with the requested changes.

Second: D. O’Dea

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

Item not presented. No signature received prior to Board meeting.

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

Item not presented. No signature received prior to Board meeting.

C. 01-2021DVM-01: Kaitlin Smith, DVM (2871): 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. Knehr moved to accept the Settlement Agreement.

Second: Dr. Bullard

Passed: Unanimous; Dr. O'Dea abstained.

No public comment given.

D. 01-2021DVM-03: Candace Phipps, DVM (2367): 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. O'Dea

Passed: Unanimous; Dr. White abstained.

No public comment given.

E. 01-2021DVM-05; 01-2021FAC-06

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

Motion: Dr. White moved to dismiss the complaint against the licensee **(01-2021DVM-05)**.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

Motion: Dr. O’Dea moved to dismiss the complaint against the facility **(01-2021DVM-06)**.

Second: Dr. White

Passed: Unanimous; Dr. Sandoval abstained.

Public comment given.

F. 02-2021DVM-09; 02-2021FAC-10

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

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

Second: Dr. Knehr

Passed: Unanimous; Dr. O’Dea abstained.

No public comment given.

G. 02-2021DVM-11; 02-2021FAC-12

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

Motion: Dr. O’Dea moved to have staff and Mr. Ling initiate disciplinary action the Facility and Dr. A.

Second: Ms. Schalles

Passed: Unanimous; Dr. Bullard abstained.

No public comment given.

H. 02-2021DVM-14

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

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. O’Dea

Passed: Unanimous; Dr. Sandoval abstained; Dr. Knehr recused himself.

No public comment given.

I. 02-2021DVM-15; 06-2021FAC-49

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against the facility **(06-2021FAC-49)** and dismissed the complaint against the licensee **(02-2021DVM-15)**.

Motion: Dr. O’Dea moved to have staff and Mr. Ling initiate disciplinary action the facility **(06-2021FAC-49)**.

Second: Dr. White

Passed: Unanimous; Ms. Schalles abstained.

Motion: Dr. Sandoval moved to dismiss the complaint.

Second: Dr. White

Passed: Unanimous; Ms. Schalles abstained.

No public comment given.

J. 02-2021DVM-16; 02-2021FAC-17

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

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

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

Public comment given.

K. 02-2021DVM-18; 02-2021DVM-19; 02-2021FAC-20

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board move to initiated disciplinary action against Dr. A **(02-2021DVM-18)**, dismissed the complaint against the facility with a Letter of Concern **(02-2021FAC-20)** and dismissed the complaint against Dr. B **(02-2021DVM-19)**.

Motion: Dr. O’Dea moved to initiated disciplinary action against Dr. A **(02-2021DVM-18)**, dismiss the complaint against the facility with a Letter of Concern **(02-2021FAC-20)** and dismiss the complaint against Dr. B **(02-2021DVM-19)**.

Second: Dr. Sandoval

Passed: Unanimous; Dr. White abstained.

No public comment given.

L. 03-2021DVM-21

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: Ms. Schalles

Passed: Unanimous; Dr. Knehr abstained.

Public comment given.

M. 03-2021FAC-22

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

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

Second: Dr. Bullard

Passed: Unanimous; Dr. White abstained.

No public comment given.

N. 03-2021DVM-23

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 licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. O’Dea moved to dismiss the complaint.

Second: Dr. Knehr

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

O. 04-2021DVM-26

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 licensees committed an act which constitutes a cause for disciplinary action.

Motion: Dr. White moved to dismiss the complaint.

Second: Dr. Bullard

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

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

A. Crystal Barker, LVT: Request for Reinstatement of LVT license

Discussion: The Board reviewed all documentation and moved to accept Ms. Barker's reinstatement application with 5 hours of CE performed in anesthesia prior to reinstatement and 3 years of CE auditing.

Motion: Ms. Schalles moved to reinstate Ms. Barker's license with 5 hours of CE in anesthesia and 3 years of CE auditing.

Second: Dr. O'Dea

Passed: Unanimous

B. Heather Espinoza, LVT: Request for Approval of LVT license

Discussion: The Board reviewed all documentation presented. Ms. Espinoza was present for the discussions.

Motion: Dr. O'Dea moved to accept Ms. Espinoza education for licensure.

Second: Ms. Schalles

Passed: Unanimous.

C. Michael Martinez: Request for approval of education requirement for LVT/VTIT

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

Motion: Ms. Schalles moved to deny Mr. Martinez's education for licensure.

Second: None. Vote failed.

Motion: Dr. O'Dea moved to accept Mr. Martinez's education for licensure.

Second: Dr. Bullard

Passed: Unanimous.

D. Sarah Marshall: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Marshall was present for discussions.

Motion: Ms. Schalles moved to deny Ms. Marshall's VTIT registration request.

Second: Dr. Sandoval

Passed: Unanimous.

E. Samantha Brown: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Brown was present for discussions.

Motion: Dr. O'Dea moved to accept Ms. Brown education for licensure.

Second: Dr. White

Passed: Unanimous.

F. Elizabeth Moore: Request for approval of education requirement for LVT/VTIT

Discussion: The Board reviewed all documentation presented. Ms. Moore was present on the call.

Motion: Ms. Schalles moved to accept Ms. Moore's education for licensure with the LVT Qualification Checklist.

Second: Dr. O'Dea

Passed: Unanimous.

G. Danielle Auzenne: Request for waiver of 1 year waiting period of NAVLE retake

Discussion: The Board reviewed all documentation associated with Dr. Auzenne's request to waive the 1 year waiting period for retaking the NAVLE.

Motion: Dr. O'Dea moved to approve Dr. Auzenne's request.

Second: Dr. Bullard

Passed: Unanimous

5. Carrie Lambert (DVM): Consideration for Modification of Probation Status (For Possible Action)

Discussion: The Board reviewed all documentation presented. Dr. Lambert was present for the discussions.

Motion: Dr. O'Dea moved to remove remaining probation requirements.

Second: Dr. Damonte

Passed: Unanimous.

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:

- Elimination of notary requirement
- Revision of renewals for annual to biannual schedule
- Revision of definition of veterinarian-client-patient-relationship to conform with AB200
- Revision to language related to notice of hearings to conform with AB200
- Addition of definition for 'physical examination' related to AB200.
- Additions or changes to language related to AB200.

Section 1 – VCPR

Michelle Wagner- Will timely manner be better defined?

Jennifer Pedigo- Yes and it will also be covered in another set of regulations for review in October.

Louis Ling- What time frame would be acceptable between physical exams?

Ms. Wagner- No longer than 12 months.

Ms. Pedigo- The leeway will be able to be built in and exceptions can be taken into consideration.

Mr. Ling- Ultimately, the Board is responsible for drawing the hard line. By having a hard timeline, it assists the practitioner when clients are pushing back. But we can build in extenuating circumstance language.

Ms. Pedigo- We will bring this language back to you prior to the next meeting so that we can language into the legislature prior to renewals.

Dr. White- I would call it a compassionate exception to try and limit.

Public Comment: none

Section 2 – Biennial renewals

Dr. Damonte – Why are we making this change?

Ms. Pedigo- Requested by registrants, be more online with other states, bring it in line with the end of our fiscal year, and take the burden off of the end of the year finances.

Dr. White- Will the CE hour requirement change accordingly?

Ms. Pedigo- Yes, it will increase similarly to the fees.

Dr. Crumley- What about CE requirement for the interim year?

Ms. Pedigo- What would you like to do? We can make it 30 hours for that year or we can keep it at 20 hours for that first renewal and then increase it to 40 hours for the following renewal?

Board- Leave at 20 hours for the first renewal.

Section 4 – NAVLE

Dr. Sandoval- is the 5-year window prohibitive to licensure?

Ms. Pedigo- Yes, but we just eliminated that retest requirement with the language we passed in October 2020, only requiring retesting if the applicant has discipline in any other jurisdiction. The language has not been updated by the legislature yet, not yet codified.

Section 7- Civil notice

Dr. Damonte- So this language is already written?

Mr. Ling- Yes, this is just updating the language to make requirement necessary is we are unable to notice in any other manner.

Section 10 – Physical examination

Mr. Ling- is this definition satisfactory?

Dr. O’Dea- Like the visceral nature of the definition.

Mr. Ling- We are trying to make blatantly clear that hands must be laid on that animal in person and cannot be performed remotely via telehealth.

Dr. O’Dea- Is there a definition we can borrow from human medicine?

Mr. Ling- No, because there is the ability for electronic establishment for humans.

Investigative Committees

Ms. Pedigo- This is language that is still outstanding regarding the handling of consumer complaints moving forward to help try to preserve due process for any complaints that move forward to hearing.

Louis Ling- This will help streamline the process allowing for more policy focused meetings.

Dr. O'Dea- How is this preserving due process?

Mr. Ling- This allows for more fair hearing process if an agreement is not met allowing for the Board members, that were not part of the original committee, to review the evidence and make a decision based on evidence.

Ms. Pedigo- The committee language is in statute, so we can start this process and adjust it as needed to create the best process. If we cannot make it work, it is possible to go back to the full Board.

Mr. Ling- Because this is outside the open meeting law, we will not need to notice these committee meetings, they will not need to record them, and you as the committee will have the full file and radiographs to make an educated decision based on all of the facts rather than an anonymized synopsis of the facts.

Letter of Correction

Ms. Pedigo- This is a letter that will go in the file with a period of time for the infraction to be corrected, then after a period of time it will fall off of your record. If the Letter of Correction is not complied with then it becomes permanent. An example of this letter will cover are CE violations.

Motion: Dr. White moved move forward with the proposed regulation changes.

Second: Dr. O'Dea

Passed: Unanimous

7. Staff Reports (For Possible Action)

A. Administrative Report- Christina Johnson, LVT

Ms. Johnson reviewed the administrative report.

B. Inspection Report-Christina Johnson, LVT

Ms. Johnson reviewed the inspection report.

C. Financial Report-Jennifer Pedigo, Executive Director

Dr. Damonte tabled the financial report for verification of discrepancies in the report.

D. Legal Report, Louis Ling, Esq

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

E. Legislative Report- Neena Laxalt

Ms. Nina Laxalt presented the legislative update

8. Consideration and Discussion of policy document regarding consent during emergencies and use of addendums (For Possible Action)

Dr. Knehr presented recommendation for a Board policy statement regarding consent during emergencies situations and proper use of addendums in medical records for the Board's consideration.

9. Agenda items for next meeting

None

10. Public Comment: None

11. Adjournment for Possible Action

Motion: Dr. O'Dea moved to adjourn at 5:38 pm.

Second: Dr. Knehr

Passed: Unanimous.