



SD VETERINARY MEDICAL EXAMINING BOARD

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SD ANIMAL
INDUSTRY BOARD

Minutes

SD Veterinary Medical Examining Board
Thursday, January 14, 2016
South Dakota Animal Industry Board Conference Room
Pierre, South Dakota

A meeting of the SD Veterinary Medical Examining Board was called to order at 1:00 PM CST by Board President Dr. Holly Roe-Johnson.

Present were Board Members: Dr. Holly Roe-Johnson, Dr. Roland Good, Dr. James Myers, and Craig Dybedahl. Also attending were Dr. Sam Holland, Executive Director, Dr. Dustin Oedekoven, State Veterinarian, Deb Winckler, and Drew Duncan, Legal Counsel.

Minutes of the August 11, 2015, Board meeting in Sioux Falls were unanimously approved upon motion by Dr. Myers and seconded by Dr. Roe-Johnson.

Introductions were conducted by Dr. Holland, introducing the new board members. Dr. Holland spent several minutes in an orientation for new board members.

iPad Distribution Deb allocated iPads to new board members, Dr. Good and Dybedahl. A brief orientation session was provided by Deb on how to run and sign on to the Exam Board website and view the cases for future Exam Board meetings.

Case #0186 Complaint was made against five veterinarians by another veterinarian of the same practice. Identical complaints have been submitted to licensing boards in several other states. This case was reviewed and summarized by legal counsel. After discussion, it was determined that SD would consult other states and maintain necessary correspondence with all parties, particularly in Minnesota which is the state of residence for the practice involved. This case will remain open.

Case #0187 After discussing the case, a motion was made by Dr. Myers, seconded by Dybedahl, directing the Board's Executive Director to send a letter to the veterinarian reprimanding him for practice that did not meet the standard of care. The motion also directed a letter be written to the complainant stating that after considering all the information presented, it was determined that the veterinarian did not meet the standard of care. The letter should note that the cow wasn't in the best of

health which could have contributed to the cow's death and the Board sympathizes with the owner for his loss. Motion was approved unanimously. With this action the case will be closed.

Case #0188 A telephone complaint was received by Dr. Holland from a veterinarian about a client buying prescription drugs from a company without a VCPR in place. After contact with the veterinarian who works with the company, it was determined that the client had indeed obtained prescription items without a VCPR. The veterinarian has submitted a letter of apology and a copy of an updated contract between the business and the veterinarian. Dr. Oedekoven suggested the SD Department of Agriculture may have jurisdiction in such cases and will check into this. He will also check into whether a Pharmacy license is required. He will give an update at the next meeting. A motion was made by Dr. Myers, seconded by Dr. Good, directing legal counsel to draft a letter to the veterinarian thanking her for her cooperation in this matter and to remain vigilant with the sale of prescription drugs by the company. Motion approved unanimously. With this action the case will be closed.

Case #0189 After the case was discussed and documents presented were reviewed it was determined that there was no violation of the standard of care. Motion was made by Dr. Good, seconded by Dr. Myers directing legal counsel to draft a letter to the veterinarian, based on the review of the case, there is no violation of the Practice Act. Motion approved unanimously. With this action the case will be closed.

Case #0190 After the case was discussed and reviewed, a motion was made by Dybedahl, seconded by Dr. Good directing legal counsel to send a letter to the veterinarian that the standard of veterinary care was not violated but also to encourage him to take extra precautions when reviewing drug insert information concerning drug interactions. Motion also directed a letter to the owner that after careful review of information submitted to the Board, including the autopsy report from Iowa State University Veterinary Diagnostic Laboratory, it was determined that the veterinarian did not violate the standard of care required by a veterinarian. Motion passed unanimously. With this action, the case will be closed.

Case #0176 Update was given on the veterinarian and the requirements to complete his period of probation in this case. As of this date, all probation requirements have been met, the veterinarian is no longer on probation and the case is officially closed.

Complaint Process and Proposed Rule Changes An update was given by Dr. Oedekoven, who noted that SDVMA has indicated their intent to review the practice act over the next year. Dr. Oedekoven and Drew will continue to look at potential changes to the complaint investigation process. Board will continue to discuss these issues at future meetings.

Policy Statement on Veterinary Corporations Legal counsel discussed with the Board. There are 64 registered veterinary corporations in South Dakota. Currently, there appears to be little benefit or need for registration as a veterinary corporation. A motion was made by Dr. Myers, seconded by Dr. Good to direct legal counsel to clarify its Board policy to support repeal of South Dakota Codified Law 47-13 Veterinary Corporations. Motion passed unanimously.

Implications of the NC Board of Veterinary Medical Examiners vs FTC Legal counsel provided an update on the implications on human teeth-whitening cases that could have sweeping implications for other professions and state jurisdictional bodies. Policy of the Board must be actively supervised by the State. If Practice Act is not clear, judgement action will be taken. FTC is not out searching for violations. It will eventually be an issue for SD. Be alert for potential issues for anti-trust. It will need a state decision, and state administrative officials are pursuing this issue for state boards.

Dr. Holland discussed an interesting case in Texas involving the Texas Exam Board's attempt to regulate "internet veterinary practice".

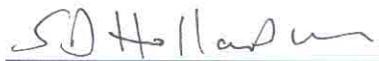
Dr. Myers discussed how his veterinary clinic handles Certificates of Veterinary Inspection after visiting the clients and inspecting the livestock for movement.

Dr. Roe-Johnson informed the Board about the next AAVSB meeting to be held in Scottsdale, Arizona on September 22-24, 2016. AAVSB will pay for one board member and the Board will pay for any board member or staff to attend if interested in attending.

The next meeting of the Board will be held June 2, 2016 in Pierre.

Dybedal moved and Dr. Myers seconded a motion to adjourn the meeting. All voted in favor. Meeting was adjourned at 5:00 PM CST.

 Date 1-29-16
Dr. Holly Roe-Johnson, President
SD Veterinary Medical Examining Board

 Date 2-4-16
Dr. Sam D. Holland, Executive Secretary
SD Veterinary Medical Examining Board