

Iowa Board of Veterinary Medicine
Wallace State Office Building
DNR Third Floor East & West Conference Room
Open Session Meeting Minutes
April 29, 2021
Amended 5/27/2021

Dr. Dewayne Rahe called the Board Meeting to order at 10:00 a.m. with the following Board Members in attendance: Dr. Chris Bean; Dr. Tom Burkgren; Dr. Dewayne Rahe; Mrs. Ann Werner, and Dr. Curtis Youngs. Also present were Mr. Jacob Larson, Assistant Attorney General; Dr. Jeff Kaisand, DVM, Executive Secretary; Meghan Orr, Administrative Assistant, and Ginny Eason, staff.

Guest(s) attending by telephone

James Carney, Legal Counsel, Carney and Appleby, Inc., Iowa Veterinary Medical Association
Jenny Dorman, Legal Counsel, Iowa Veterinary Medical Association
Chris Gruenhagen, Iowa Farm Bureau
Randy Wheeler, DVM, Executive Director, Iowa Veterinary Medical Association
David D. Schmitt, DVM

Approval of the Agenda

Dr. Youngs moved to approve the amended agenda for the April 29, 2021, Board Meeting. Motion was seconded by Dr. Bean. Motion approved unanimously.

Public Comment (Public comment period is open and limited to two minutes)

Dr. Wheeler reported the Iowa Veterinary Medical Association is working on the IVMA Internship Shadowing Directory.

Dr. Schmitt thanked Dr. Bean and Dr. Youngs for their service, hard work, and the enrichment they brought to the Iowa Board of Veterinary Medicine and serving the citizens of Iowa. Dr. Bean and Dr. Youngs expressed their appreciation of having the opportunity to serve the public and the Iowa Board of Veterinary Medicine.

Approval of the Open Session Meeting Minutes

It was stated several changes to the Open Meeting Minutes of March 25, 2021, were needed in the following sections:

Roll Call

Meghan Orr, Administrative Assistant

Public Comment

Dr. Branstad addressed the Iowa Board of Veterinary Medicine with concerns regarding the current definition of the Veterinary Client Patient Relationship. The definition is very vague in his opinion and the reasonable amount of time inhibits good and timely medicine.

Dr. Burkgren fully agreed the pork industry has heightened the role of the veterinarian, and the veterinarian, is not on the farm as they should be due to the owner's directive of the swine.

Dr. Rahe thanked Dr. Branstad for his input and concerns regarding the Veterinary Client Patient Relationship.

Dr. Wheeler brought to the Board's attention information on the COVID-19 vaccination workforce is expanding to include many more licensed healthcare professionals and is now including veterinarians and healthcare students.

Chairperson Report

Dr. Rahe reported that some of the frustration and concern regarding Veterinary Client Patient Relationship for the farm visits and the rural veterinarian is the lack of control when dispensing medications and that it is for services, which does not provide as much cash flow. Dr. Rahe stated in many cases when hogs are shipped to the barns in a case of the medication also accompanies the load.

Correspondence

The Board Members discussed the NAVLE Contract with the International Council for Veterinary Assessment. The Board Members expressed concern that the examination fee continues to increase.

Rulemaking/House/Senate Files

HF2627 and SF2120 – Mr. Larson stated the rules have been placed on noticed for public comment.

The proposed rules can be ~~subtracted~~ separated and ~~moving~~ move forward with less contentious rules. The scope of all the rules to be changed ~~is~~ was discussed. Then the Board would be able to determine what to move forward and what rules to submit later.

The proposed list of changes by the Board Members regarding Code Chapter 169 and Administrative Rules 811-8 Auxiliary Personnel ~~is~~ was discussed. Most of the proposed changes for the veterinary technicians ~~is~~ involved ~~changing to~~ clarifying the definition of the Certified Veterinary Technicians ~~and changing the definition.~~

Miscellaneous

Dr. Wheeler addressed the Board Members regarding the rural veterinary shortage. The Iowa Veterinary Medical Association members would like direction for a program that would allow veterinary practices to hire ~~not only fourth-year veterinary students as preceptors.~~ ~~The paid internships could perhaps be~~ first-year to third-year veterinary students, providing more availability to practices and for future employment.

Dr. Burkgren moved to approve the amended Open Session Meeting Minutes of March 25, 2021. Motion was seconded by Dr. Bean. Motion approved unanimously.

Executive Secretary Report

Dr. Kaisand stated he did not have any major issues to report at this time.

Chairperson Report

No report.

Assistant Attorney General Report

Mr. Larson thanked Dr. Bean and Dr. Youngs for their services to the Board. The Attorney General takes public service very seriously and appreciates everyone's service to the citizens in the state of Iowa.

Board Member Report

No report.

Correspondence

Dr. Kaisand reported the email summary comments regarding the NAVLE Letter of Agreement sent to the Board Members on April 26, 2021. The summary comments mentioned the fee is raised each year based on the cost of living increases. In order to be fair for each class the increase is yearly. Otherwise, if it is not done yearly, some classes would be paying a higher burden of the costs. The agreement states the fee can be raised each year. Dr. Kaisand stated the dates in the agreement have been corrected by the International Council for Veterinary Assessment. Dr. Heather Case reported Iowa is the only state that has the \$25 fee. The balance of the application fee that is received (\$30) is for NAVLE handling the application process for Iowa. If the Board chooses to remove the \$25 fee the agreement would have to be updated right away so it can be changed and then have Dr. Rahe sign the agreement.

Dr. Kaisand stated the Iowa Board of Veterinary Medicine relies on the Iowa Department of Agriculture and Land Stewardship for funding. The Iowa Department of Agriculture and Land Stewardship has a fixed budget and if any additional resources are needed by the Iowa Board of Veterinary Medicine the department has to absorb the cost. The licensing renewal fees were previously deposited to the General Fund for state of Iowa. Going forward the renewal fees will be deposited to the Vet Board Account within Iowa Department of Agriculture and Land Stewardship.

Dr. Burkgren moved to forego the \$25 fee in the NAVLE Letter of Agreement. Motion was seconded by Dr. Bean. Motion approved unanimously.

Dr. Kaisand stated when students make application to sit for the exam, the student has to designate a state to which have their scores are submitted. Dr. Case informed Dr. Kaisand the International Council for Veterinary Assessment is in discussion with American Association of Veterinary State Boards regarding the fee to transfer scores to another state. There may be a possibility the student would not have to designate a state when sitting for the examination.

Dr. Youngs moved to approve the amended agreement with the administration of the NAVLE examination to reflect the reduction of \$25 fee. Motion was seconded by Dr. Bean. Motion approved unanimously.

The American Association of Veterinary State Boards provided information to the Member Boards for discussion at the Member Board's regular meetings. Dr. Rahe stated he is unable to attend the Annual Meeting that will be held in Denver, Colorado later this year. Dr. Rahe stated if a Board Member, attorney or staff person is interested in attending the annual meeting he encouraged those individuals to attend if possible.

Rulemaking/House/Senate Files

HF2627 and SF2120 – Mr. Larson stated these will be covered in the rule making and will be struck from the agenda going forward.

LSA Rules Analysis Report – HF2389 – This rule applies to all licensing boards and administrative agencies that have rules that deal with waivers and/or variances. The legislature wants to clean up the language in the statutes and to remove the variances to just have waivers for regulatory relief. The change of reporting that is required of the waivers that have been approved. This is an update to the rules. Dr. Youngs asked what is LSA? Mr. Larson responded it is the Legislature Service Agency. The legislature uses this agency to assist in drafting rules from statute. Questions were asked of Mr. Larson regarding this process.

Dr. Youngs moved to approve the proposed changes to the Waiver of Rules and ~~adopting~~ to proceed with the rule making process. Motion was seconded by Dr. Burkgren. Motion approved unanimously.

ARC 5431C - This rule is the proposed rulemaking on prescriptions. One comment was received and the comment was not clear to the Board. If the Board does not want to make any changes to the proposed rule ARC 5431C, a motion is required to approve the rule and then will be noticed for publication and finalization. Dr. Burkgren moved to approve the changes delineated in ARC5431C. Motion was seconded by Dr. Youngs. Motion approved unanimously.

ARC 5432C - This rule is the proposed rulemaking on Registration as Veterinary Technician by Verification. This rule is similar to endorsements with a few slight differences. No comments were opposed to this rule. Dr. Youngs moved to approve the rule as noticed in ARC 5432C. Motion was seconded by Dr. Bean. Motion approved unanimously.

ARC 5433C – This rule is the proposed rulemaking on Registration for Veterinary Technicians by Work Experience in jurisdictions without licensure requirements. Five comments were received regarding the proposed rule change addressing the issue about incompetent individuals, unfairness, and not having the educational pathway for registration. The legislature enacted the law and is open for public comment. The requirement in Iowa is the veterinary technician has to pass the Veterinary Technician National Examination and Veterinary Technician State Examination to be registered in Iowa. According to the definition, a veterinary technician is a graduate of a two-year veterinary technician program accredited by the American Veterinary Medical Association. The rule is being paused at this time for clarification due to the concerns expressed by the public. The Board Members will review the concerns for discussion at the May Board Meeting.

ARC 5434C - This rule is the proposed rulemaking on Licensure by Verification for Veterinarians. This is similar to licensing by endorsement with a few slight differences. This rule is also required by statute. No comments were opposed to this rule. Dr. Youngs moved to approve the rule as noticed in ARC 5434C. Motion was seconded by Dr. Burkgren. Motion approved unanimously.

ARC 5474C - This rule is the proposed rulemaking for the application fee for License by Verification and the pathway that you just approved for the veterinarians for those veterinarians that choose this pathway to license. No comments were opposed to this rule. Dr. Youngs moved to approve the rule as noticed in ARC 5474C. Motion was seconded by Mrs. Werner. Motion approved unanimously.

Proposed Veterinary Medicine Ethics Guidelines (narrow version) - Mr. Larson stated this is the pared down version of the guidelines reviewed at the March 25, 2021, Board Meeting per the request of the

Board Members. Mr. Larson made several minor changes to the guidelines. Discussion was held regarding C (2) and striking the language “in the presence of and” from the last sentence in that section. Mr. Larson stated the placement of the guidelines are listed directly below the referenced American Veterinary Medical Association Principles of Veterinary Medical Ethics are in the new Section 10.6(3) Grounds applicable to licensed veterinarians only. Dr. Wheeler stated the Iowa Veterinary Medical Association is in agreement with the change. The discussion held regarding d (3) striking the language “if they feel there is no reason for it to be done.” Dr. Youngs moved to approve the amended proposed rules for the Principles of Veterinary Medical Ethics for the state of Iowa and to move forward with rulemaking. Motion was seconded by Dr. Bean. Motion approved unanimously. Dr. Rahe thanked everyone involved in creating the guidelines for the Iowa Board of Veterinary Medicine.

Proposed changes to Chapter 169 and Administrative Rules 811-8 Veterinary Technician were discussed by the Board Members. Certified Veterinary Technicians may perform more services than veterinary assistants. Administrative Rules Chapter 811.8.1 defines Veterinary Assistants and Veterinary Technicians. “Veterinary assistant” means an assistant employed by a licensed veterinarian for a purpose other than performing diagnosis, issuing prescriptions or performing surgery and includes, among other assistants, registered veterinary technicians. “Veterinary technician” means any citizen of the United States who shall have graduated in veterinary technology from a two-year AVMA accredited school of veterinary technology; or in lieu thereof has assisted a licensed veterinarian for five years prior to 1980, or worked under the direction of a licensed veterinarian for at least three years, including at least one year of formal training approved by the board, in veterinary technology prior to 1981; and who shall have successfully passed an examination prescribed by the board.

Iowa Code 169.20 Veterinary assistants. 1. A veterinarian may employ certified veterinary assistants for any purpose other than diagnosis, prescription or surgery. Veterinary assistants must act under the direct supervision of a licensed veterinarian. 2. The board shall issue certificates to veterinary assistants who have met the educational, experience and testing requirements, as the board shall specify by rule. The certificate is not a license and does not expire. The certificate may be suspended or revoked, or any other disciplinary action may be taken as specified in section 272C.3, subsection 2. All disciplinary actions shall be taken pursuant to section 169.14.

The Iowa Board of Veterinary Medicine can only regulate Certified Veterinary Assistants. Certified Veterinary Assistants must work under ~~and they can only have~~ direct supervision of a licensed veterinarian. Direct supervision ~~is~~ requires the veterinarian is on the premises. The board could further delineate tasks within this and making the distinction of Certified Veterinary Assistants with a degree and Veterinary Assistants without a degree. The Board may consider different ways to create work categories, educational requirements, and try to change Iowa Code 169.20.

Mr. Carney spoke to the Board regarding the importance of starting out very basic and enabling legislation regarding Iowa Code 169.20, Certified Veterinary Assistant. The Board would then have the process of issuing a certificate to veterinary assistants and the testing requirements specified by rule. Mr. Carney stated he is not familiar with the procedure and how veterinary technician factors into 169.20. Could the Board create other positions and develop rules for each position the Board wants to create? Mr. Larson stated the broad category is Certified Veterinary Assistant and is employed by a veterinarian. Mr. Larson stated there could be other positions created and still be under the broad category of Certified Veterinary Assistant. The Board could review how other states regulate these individuals and their job classifications. The veterinary technician would be a sub-category of Certified Veterinary Assistant and would remain but they would all be Certified Veterinary Assistant as a broad category. The Board would need to think about what changes in code. If code does change then the rules would need to be updated. The rules have defined Veterinary Technicians and Veterinary Assistants. The Board would need to address certifying anyone who is a veterinary assistant working for a veterinarian. Mr. Carney stated the Board would have to be careful in developing the rules of what individuals can and cannot do for the title

the Board uses. The veterinary assistants and veterinary technicians cannot diagnose, issue prescriptions or perform surgery.

The Certified Veterinary Assistant would have to have a protocol developed. The protocol would be a graduate of a two-year program and pass the Veterinary Technician National Examination and Veterinary Technician State Examination. The definition of "veterinary assistant" in Chapter 811-8.1 means an assistant employed by a licensed veterinarian for a purpose other than performing diagnosis, issuing prescriptions or performing surgery and includes, among other assistants, registered veterinary technicians. The code change was included in the Iowa Department of Agriculture and Land Stewardship bill this year (2021), "the certificate is not a license and will not expire". The language change was comparable to the veterinarian and renews every three years. This change to Code 169.20 was not approved to Code 169.20 will not be happen this year. If the Board started certifying veterinary assistants that could include the receptionist, kennel help, the employee running the chute work on the farm, etc. The Board needs to focus on what they can regulate and certified by definition. The veterinary assistant that is not certified is currently outside the process and the rules say the Board should certify the individual. The Board regulates the veterinarian and the Board would hold the veterinarian accountable but not the veterinary assistant who performs and violates the law. The Board could discuss proposed vet board cases at the next legislative session; create a subcommittee within the board to work on rules to address this and create this category; partnering with Iowa Veterinary Medical Association would have the same level of confidentiality and would be subject to more scrutiny. The deliberations would not be confidential.

What would the consequences be if the Board did nothing? ~~Would the Board be in worse shape than a year ago?~~ The public confidence in the Board could be undermined by not holding individuals accountable for bad acts, and the legislature and Governor's office is could be frustrated that the Board is not holding someone accountable. The question was asked if the Board had any complaints in recent years filed against any veterinary technicians or veterinary assistants when the licensee was not involved. No complaints received.

The best long-term fix would be to change Code 169.20. This will be an agenda item for the May 27, 2021, Board Meeting. The Board Members should start developing language the Board would like to see changed. The Board can do this independently, or work with the Iowa Veterinary Medical Association, and the veterinary technician programs.

Lisa Nelson sent an email on April 26, 2021. The email is self-explanatory.

The Board is taking a pause for a document that was not included in the Board Meeting packet.

Iowa Veterinary Medical Association Internship Shadowing Directory was discussed. The Iowa Veterinary Medical Association stated they have 26 clinics signed up in the directory for students to apply. This is for the Board's information and the individuals would be considered auxiliary personnel that is not certified. The Fourth Year veterinary student preceptorship has been in place for quite a number of years. Dr. Wheeler stated he provided the documents to Dr. Kaisand, Mr. Larson, Iowa Veterinary Medical Association legal counsel, and Iowa State University College of Veterinary Medicine. Dr. Wheeler asked the question of where do the freshman, sophomore, and juniors fit into the preceptorship? Dr. Wheeler wanted to make sure there are no conflicts with code and rule regarding this information. The Board Members appreciate the Iowa Veterinary Medical Association's willingness to share the information with the Board and that it coincides with what the Board is working on.

Miscellaneous

Telemedicine – no changes

Virtual Meetings – no changes

Dr. Youngs moved to go into Closed Session (closed session pursuant to Iowa Code section 21.5(1)(a) to review or discuss records which are required or authorized by state or federal law to be kept confidential or to be kept confidential as a condition for that governmental body's possession and 21.5(1)(d) to discuss the contents of a licensing examination or whether to initiate licensee disciplinary investigations or proceedings if the governmental body is a licensing or examining board). Motion seconded by Dr. Bean.

Roll call vote by Board Members: Dr. Bean, aye; Dr. Burkgren, aye; Dr. Rahe, aye; Mrs. Werner, aye; Dr. Youngs, aye nay – 0. Motion passed at 11:51 a.m.

Open Meeting Session

The Board reconvened into the Open Meeting Session at 1:29 p.m. after taking a short break.

Action on Closed Meeting Session Sanctions

Dr. Burkgren moved to close case 18-021. A second was called. Motion was seconded by Dr. Youngs to discuss for a vote. Vote called: Dr. Curt Youngs – Nay; Mrs. Ann Werner – Nay; Dr. Chris Bean, Aye; Dr. Tom Burkgren – Aye; Dr. Dewayne Rahe – Aye

Dr. Youngs moved to close cases 21-001 and 21-003. Motion was seconded by Mrs. Werner. Motion carried unanimously.

Veterinary License Application(s)

Dr. Rahe asked if Dr. Gretchen Muhonen was able to complete the 13 hours of continuing education needed to license by endorsement. Dr. Muhonen did complete the requirement of the additional continuing education hours and withdrew her petition to waive the continuing education hours.

Review of Veterinary Licensing / Veterinary Technician Registration Applications per HF2627

The applications listed below were presented to the Board Members for their review and changes. The Board Members made changes to the applications. The new applications will be posted to the Iowa Board of Veterinary Medicine website.

- Application for Senior Veterinary Student Certificate to Practice Veterinary Medicine in Iowa
- Application for Limited License for Faculty to Practice Veterinary Medicine in Iowa
- Application for Specialized Limited License to Practice Veterinary Medicine in Iowa

Continuing Education

The continuing education applications were reviewed by the Board Members for approval.

Patrick Frank	Elanco Spring/Summer Flying Pests and Parasite Meetings (4.7-4.9.2021 Holstein, Spencer, Sioux Center, Sheldon, IA)	0.5	0.5	1
Dr. David Brown	Mental Health First Aid (Adult) (April or May 2021, Iowa State University College of Veterinary Medicine)	8		8

Dan Fedders	DIVA DVM 2021 (7.20.2021 Sioux Falls, SD)	6		6
Teresa Farrell	Making Good Teams Great (6.10.2021 Ankeny, IA)		6	6
Stephanie Parks	Anesthesia in the ER (5.17.2021 Des Moines, IA)	1.5		1.5
Brent Henningsen	Advantages of Intranasal Vaccines (4.29.2021 Webex)	1		1

Dr. Lauren Scruggs Crawford submitted a request for consideration for continuing education credit hours for graduate courses taken through Iowa State University. Dr. Youngs moved to approve 30 continuing education hours for graduation level courses completed during 2017-2020. Motion was seconded by Dr. Bean. Motion approved unanimously.

Next Board Meeting

The next Board Meeting is May 27, 2021, at 10:00 a.m.

Adjournment

Dr. Bean moved to adjourn the Board Meeting at 1:53 p.m. Motion seconded by Dr. Youngs. Motion approved unanimously.

Dr. Kaisand thanked Dr. Bean and Dr. Young for their hard work and commitment to the Iowa Board of Veterinary Medicine during their terms as Board Members.

Respectfully submitted,

Jeffrey J. Kaisand, DVM
Executive Secretary