

Iowa Board of Veterinary Medicine
Wallace State Office Building
Second Floor Conference Room
Open Meeting Minutes October 28, 2021

Dr. Dewayne Rahe called the Board Meeting to order at 10:01 a.m. with the following Board Members in attendance: Dr. Tom Burkgren; Dr. Dewayne Rahe; Dr. Yuko Sato; Mrs. Ann Werner, and Mr. Will Yoder. Also present were Mr. Jacob Larson, Assistant Attorney General; Dr. Jeff Kaisand, Meghan Orr, Administrative Assistant, and Ginny Eason, staff.

Guest(s)

Charles Abraham, DVM, Abraham's Equine Clinic
Donna Abraham, Abraham's Equine Clinic
Jenny Dorman, Legal Counsel, Iowa Veterinary Medical Association
Chris Gruenhagen, Iowa Farm Bureau
Pat McGonegle, Iowa Pork Producers Assoc.
Randy Wheeler, DVM, Iowa Veterinary Medical Association

10:45 a.m. Guests attending by teleconference and zoom meeting

Joe Collins, Iowa Department of Education
Vladimir Bassis, Iowa Department of Education

Approval of the Agenda

Dr. Burkgren moved to approve the amended agenda for the October 28, 2021, Board Meeting. Motion was seconded by Dr. Sato. Motion approved unanimously.

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

Mrs. Gruenhagen thanked the Iowa Board of Veterinary Medicine for the opportunity to discuss the proposed veterinarian/client/patient relationship rules. There are five states that require an examination in 12 months and those states are Idaho, Tennessee, Oregon, Washington, and Georgia. Those states require an examination of the patient within 12 months for medically appropriate and timely visits and two of those states (Idaho and Tennessee) require a visit to the premises every twelve months. Neither of those two states are major livestock producing states. The states surrounding Iowa are major livestock producing states and they reflect our current rules. The states of Indiana and Illinois have modernized their rules to allow veterinarians access to the animal's medical records which has designated the veterinarian with a veterinarian/client/patient relationship to provide care. Iowa Farm Bureau is concerned the proposed rules lack clarity, create a lot of uncertainty, and in some cases inhibit the ability of the veterinarian to make judgement calls of where their time is best spent. Improving the herd health is very important. The stakeholders and Iowa Farm Bureau want the veterinarian to make the best decisions. The American Veterinary Medical Association guidance addresses more of the concerns, and in joint comments by both the veterinarians and Iowa Farm Bureau last month the guidance offers more detailed description and sufficient knowledge as an option. The Iowa Farm Bureau is asking to postpone the adoption of the rule so the Iowa Farm Bureau would be able to work with the Iowa Veterinary Medical Association to try and improve upon the definition of veterinarian/client/patient relationship.

Dr. Burkgren inquired about farms that have not been visited by a veterinarian, but the veterinarian obtains the information from the farm to issue the prescription. Ms. Gruenhagen explained the

veterinarian is probably obtaining the diagnostic records, production records, and able to use the analytic information to determine if there are issues on the farm. The veterinarian is still interacting with the farm even though the veterinarian is not physically on the farm. Dr. Burkgren stated the Board's responsibility is to protect the public and if the veterinarian is not physically on the farm does that pass the sniff test?

Mr. McGonegle stated on the surface it may appear the veterinarian is not involved. The smaller producers may not have the oversight by the veterinarian and that also depends on the protocol, source of pigs, and a contract grower. Some small producers may have less veterinary involvement.

Mrs. Gruenhagen asked if a joint meeting to review and develop the rule could be held. Mr. Larson stated the current proposed rules would need to be adopted by February 11, 2022. That date includes changes and if the changes are approved by the rules committee. Mrs. Gruenhagen stated the goal is to clarify the rule, the accountability, and to cover all species. Mrs. Gruenhagen will include other commodity groups for the meeting but only two board members may attend the meeting, so it is not considered an open public meeting of the Iowa Board of Veterinary Medicine.

Dr. Wheeler reported Dr. Kaisand featured in the September 2021 issue of the Pork Producer Magazine.

Dr. Charles Abraham addressed the Iowa Board of Veterinary Medicine regarding his equine practice. A large portion of his practice is equine reproduction. Dr. Abraham has had in the past several years working at his clinic a veterinarian (Dr. Nilson de JB Ribas Neto) from Brazil who was able to obtain three consecutive temporary in-state permits. Dr. Abraham asked the Board Members if Dr. Ribas would be able to train a new veterinarian at his veterinary practice. Dr. Abraham stated Dr. Ribas would be practicing veterinary medicine since he would have to physically show the trainee how to perform some of the procedures. Mr. Larson and the Board Members stated Dr. Ribas would be able to petition the Board for a waiver of the rule. Dr. Ribas must file the petition with the Iowa Board of Veterinary Medicine.

Approval of the Open Meeting Minutes

Dr. Burkgren moved to approve the Open Meeting Minutes of September 28, 2021. Motion was seconded by Dr. Sato. Motion approved unanimously.

Executive Secretary Report

Dr. Kaisand reported on the Rabbit Hemorrhagic Disease Virus-2 (RHDV-2) experimental vaccine that he recently approved. With an experimental vaccine, each state must approve the vaccine used in their state. Dr. Kaisand stated that he instructed the company to include on the label "must be administered by and on the order of a veterinarian with a veterinarian/client/patient relationship". The vaccine is experimental with limited efficacy data on the vaccine. The veterinarian should have or must have a discussion with the owner about biosecurity and that the vaccine is only a portion of trying to prevent the animal from contracting the disease.

Dr. Kaisand reported he attended the USAHA Conference earlier in October and that he heard other states talking about the concerns of shortages of veterinarians in all species. Individuals are having difficulties finding emergency veterinarians, not only in Iowa but all states.

Chairperson Report

No report.

Assistant Attorney General Report

Mr. Larson spoke to the Board Members regarding the unanimous decision ruling by the Iowa Supreme Court that affects all licensing boards in the state of Iowa. The court determined the provisions of 272C is a statute that governs all licensing boards that all the investigative information is to remain confidential. The ruling applies to all Statement of Charges. Mr. Larson stated his office is working through all the issues involved and he will participate in a conference call later this afternoon regarding this new ruling. Mr. Larson indicated the Statement of Charges will change so that all the investigative information will remain confidential and not available to the public or will be redacted and just contain the allegations but not the underlying facts of the case. The Assistant Attorney General office is still working through the ruling. Mr. Larson will keep the Board Members updated. This only affects licensing Boards subject to Chapter 272C in the provision.

Board Member Report

No report

Rulemaking/House/Senate Files

Chapter 12 and ARC 5848C Veterinarian Client Patient Relationship with comments attached was discussed in the September Board Meeting and no further discussion needed.

Iowa Veterinary Medical Association – amended Emergency VCPR Rule Proposal was discussed. The Board Members made proposed changes. The revised version will be reviewed at the November Board Meeting and ready for approval to submit to the Administrative Rules Committee. The question was asked how livestock is handled with an emergency. Ms. Dorman explained this is for a non-disease event such as fires or livestock on the road being hit and easier to navigate. Disease events would have veterinary oversight with state or federal intervention.

The amended Proposed Rules for Principles of Veterinary Medical Ethics was presented to the Board Members. The Board has two options; 1) to approve the original proposed rules by December 10th or 2) amended the proposed rules and extend the adoption deadline another six months. The proposed amended rules would also give the Board Members time to revisit drafting new language for “Emergency Veterinarian/Client/Patient Relationship”. One of the concerns mentioned is adopting the Board’s own Ethics Standards while the American Veterinary Medical Association is currently revising their Ethic Standards. If the Board adopts the ethic rules now there would be a gap in covered language. If the Board votes to adopt the proposed amended rules this would provide coverage during the six-month period.

Dr. Burkgren moved to adopt the amended rules for Veterinary Ethics for a new notice and comment period. Motion seconded by Dr. Sato. Motion approved unanimously.

Iowa Department of Education Presentation

Mr. Joe Collins and Mr. Vladimir Bassis from the Iowa Department of Education, Division of Community College and Workforce Preparation joined the meeting at 11:03 a.m. to discuss the Health Occupation Licensing Awareness Project. Mr. Collins and Mr. Bassis Introduced themselves and provided information to the Board Members regarding different reports and projects they would be able to make available to the Board Members for their use. The focus is on post-secondary education, community college, college, and adult learners, and the older adults entering the workforce. Mr. Collins and Mr. Bassis work closely with the K-12 population and internships. The division has been working with the Department of Public Health in promoting careers in health care

and they are trying to broaden the area with veterinary medicine and animal sciences to increase the job opportunities for individuals.

~~Thank you for your presentation to~~ The Board Members thanked Mr. Collins and Mr. Bassis for their presentation and discussed the information presented. Mr. Collins and Mr. Bassis excused themselves from the meeting at 11:25 a.m.

Dr. Kaisand stated the Veterinary Loan Repayment Program could possibly utilize some of this information to help determine where the greatest need is for veterinary care. Dr. Kaisand stated he is not advocating for this participation, but it could possibly assist with the Veterinary Loan Repayment Program application. The Board's concern of risk vs. reward was discussed at length. The Board Members decided at this time not to participate in the project.

Correspondence

The Taylor Veterinary Hospital contacted the Iowa Board of Veterinary Medicine regarding providing emergency care for non-clients. They are currently the only veterinary clinic/hospital in the Cedar Falls/Waterloo area that will take non-client phone calls after hours. The question was asked if they would be able to charge a fee for a phone consultation for individuals who do not have a veterinarian/client/patient relationship with their clinic. The Board's response is to identify if the individual is a client, if so then a veterinarian/client/patient relationship has been established. If the individual is not a client of the clinic, then the veterinarian does not have a veterinarian/client/patient relationship. The Board Members will review the response letter at the November Board Meeting.

Dr. Kelly Clements, Petco Company, is requesting information regarding holding a vaccine clinic in Iowa and wanted to know if a portable partition used would be acceptable to separate the exam room from the reception area? The vaccine clinic would have to follow Iowa Administrative Rules Chapter 811-12.5, Facility Standards, in addition to Iowa Administrative Rules Chapter 811-12.1(1) – 811-12.1(5) establishing a valid veterinarian/client/patient relationship and all the criteria as outlined and cited in Administrative Rules and Iowa Code Chapter 169. The Board Members will review the response letter at the November Board Meeting.

Dr. Jessi Turner contacted the Iowa Board of Veterinary Medicine regarding servicing her clients and patients through telemedicine now that she has relocated to a different state. Dr. Turner provides at-home Photobiomodulation Therapy (PBMT)/LED treatments (currently through enrollment with Medcovet). Photobiomodulation Therapy (PBMT)/LED is a handheld low-level laser or light-emitting diode device applied to the surface of the body for pain and healing. The licensed veterinarian must prescribe the device for use. The specific question Dr. Turner has, is can she still be the veterinarian for the clients in Iowa? If she is licensed in Iowa and currently has a valid veterinarian/client/patient relationship would this be allowed to utilize telemedicine due to the pandemic. When the waiver of the telemedicine expires then the Administrative Rules does not allow a valid veterinarian/client/patient relationship to be established by telemedicine. As of now the telemedicine should work for Dr. Turner's purposes of servicing her clients now that she is out of state. Dr. Turner needs to be aware that when the Iowa Board of Veterinary Medicine eliminates the caveat for the valid veterinarian/client/patient relationship due to COVID-19 then she will not be able to establish a valid veterinarian/client/patient relationship through telephonic means. When the proposed rule change becomes effective Dr. Turner will have to have seen the client/patient within the past 12 months in Iowa. If that has not happened, then she no longer has a valid veterinarian/client/patient relationship with the client/patient.

Miscellaneous

Telemedicine – No new updates.

Virtual Meetings – No new updates.

Mrs. Werner moved to go into Closed Meeting 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. Burkgren.

Roll call vote by Board Members: Dr. Burkgren, aye; Dr. Rahe, aye; Dr. Sato, aye; Mrs. Werner, aye; Mr. Yoder, aye. nay – 0. Motion passed at 12:00 p.m.

Open Meeting Session

The Board reconvened into the Open Meeting Session at 1:22 p.m.

Dr. Rahe and Dr. Sato volunteered to meet with Iowa Farm Bureau and Iowa Veterinary Medical Association to discuss proposed changes to the veterinarian/client/patient relationship rule.

Action on Closed Meeting Session Sanctions

Dr. Sato moved to close cases 21-011, 21-014, 21-016, 21-019, 21-020, and 21-021. Motion was seconded by Mrs. Werner. Motion approved unanimously.

Continuing Education

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

Requester	Meeting	Scientific	Mgmt.	Total Hour
Marshall Scott	The Future is Now: Pain, Behavior, Dermatology, Parasitic Disease, and Diagnostics (1022-23, 2021 Omaha, NE)	6	1	7
Amy Tremain	Management of Bovine Leukosis Virus (2.9.2022 Ames, IA)	1		1
Leah Braas, DVM	Exotics at Iowa Veterinary Specialties (10.5.2021 Des Moines, IA)	1		1
Michael Todd, DVM	Surgical Artificial Insemination in the Dog (11.2.2021 Salem, IA)	1		1
Meg Miller	Veterinary Wellness: How to Combat Compassion Fatigue and 5-Step Approach to Treating an Itchy Dog (10.21.2021 Johnston, IA)	1	1	2
Chris Rademacher, DVM	2021 ISU James D. McKean Swine Disease Conference (11.4-5.2021 Ames, IA)	9	0.5	9.5
Amelia Dohlman	CPR Review (10.19.2021 or 10.22.2021 Ames, IA)	1		1

Megan Nickel	AASV Early Career Swine Veterinarian Conference (11.5.2021 Ames, IA)	2	1.75	3.75
Teresa Farrell	Insights Training (11.2.2021 Ankeny, IA)		6	6
Yuko Sato, DVM	2021 Iowa Egg Industry Symposium (11.11.2021 Ames, IA)	5		5

Next Board Meeting

The next Board Meeting is Thursday, November 18, 2021, at 10:00 a.m. in the Second Floor Conference Room, Wallace State Office Building.

Adjournment

Dr. Burkgren moved to adjourn the Board Meeting at 1:24 p.m. Motion seconded by Mr. Yoder. Motion approved unanimously.

Respectfully submitted,

Jeffrey J. Kaisand, DVM
Executive Secretary