

**MINUTES**  
**KANSAS BOARD OF VETERINARY EXAMINERS**  
Meeting held Friday, November 20, 2009 in Wamego  
(draft version until signed by Board President)

This November 20, 2009 meeting of the Kansas Board of Veterinary Examiners was called to order by Board President Dr. Vern Otte at 9:30 a.m.. Dr. Otte welcomed everyone in attendance. In addition to Dr. Otte, Board Members Dr. Greg Bogue, Dr. Richard Barta, Dr. Mark Olson, Dr. Mary Sue Painter, Dr. Verle Carlson and Mr. Jim Correll were also present at the meeting. Also in attendance were agency staff members Dr. Dirk Hanson, Mr. Larry O'Hara, Board General Counsel Ms. Mary Feighny, and Litigation Counsel Laurie Kahrs.

A motion made by Carlson and seconded by Olson to adopt the proposed agenda for this meeting passed on a voice vote with no dissenting votes.

A public forum for non-agenda items was offered. No requests to address the Board had been made prior to the meeting, and no requests were made at this point in the meeting.

A motion made by Olson and seconded by Painter to approve the minutes of the prior Board meeting passed on a voice vote with no dissenting votes.

The Board reviewed and signed certificates of recently issued veterinary licenses.

Drs. Bill Niederee and Rocky Fairbank appeared before the Board to present their opinions regarding Kevin Lesslie, DVM, a formerly licensed veterinarian and to request information on what they might do to help Dr. Lesslie apply for licensure.

The Board heard information about discussions regarding proactive legislation to combat animal rights initiatives. The Board directed staff to continue participation in these discussions in the future.

The Board discussed a proposal by Greg Dennis, JD. to the Kansas Veterinary Medical Association concerning the use of the words 'livestock' and 'non-livestock' to replace the current use of 'companion' and 'companionship' in the veterinary practice act. The consensus was that the Board would not support this proposed change. The board further considered removal of the word 'companionship' from the definition, and the consensus was that the Board would also oppose this change.

The Board discussed proposed regulatory language to limit the number of times a candidate could retake the national exam. A motion made by Carlson and seconded by Barta that the Board adopt a regulation stating a candidate for examination is not eligible to take the national exams prescribed by the Board in regulation more than five times and may not sit for the examination at a date that is later than five years after the candidate's initial attempt as provided in the proposed language passed without dissent. A copy of the proposed language is attached with these minutes.

The Board discussed changing the wording in KSA 47-842 to clarify the amount of fine that the Board can assess in a case. A motion made by Olson and seconded by Correll that the Board change the word "any" to the word "each" passed without dissent. This change is not to be initiated now, but would be proposed to the legislature the next time some other change to the veterinary practice act statutes were initiated by someone.

The Board next heard reports of the recent meeting of the American Association of Veterinary State Boards (AAVSB) by Drs. Painter who served as the Kansas Board delegate during the meeting, and by Dr. Olson who served on the Veterinary Technician Committee. Included in the report was

information regarding a proposal by the National Board of Veterinary Medical Examiners (NBVME) whereby the individual state licensing boards would no longer have the option of declaring national board exam candidates eligible for the exam. Instead, the NBVME proposal was that NBVME itself would declare them eligible. The Board consensus had been that Dr. Painter, as the Kansas delegate, express the Board's opposition to, and vote against this proposal.

Further, the Board discussed a proposal by the NBVME that two of its representatives attend a meeting of the Board. The consensus of the Board was that a written communication would be sent to NBVME agreeing to a visit by representatives of the NBVME on the condition that NBVME agrees that their proposal of declaring candidates eligible for the exam for all states not be re-proposed for a minimum of 5 years.

The Board considered the next annual meeting of the AAVSB. A motion by Painter seconded by Olson to approve expenditures to send at least four people to that meeting passed without dissent.

The Board next heard reports of the recent presentations given by Board members to groups of licensees.

Dr. Otte updated the Board on the Veterinary Drug Task Force of the Prescription Monitoring Program. A motion by Correll seconded by Painter that the Board authorize agency staff to participate in researching information needed by this Task Force for a period of one year passed without dissent.

The Board next heard reports on ongoing complaint case status, completed cases, and recently received feedback from respondents and complainants in completed cases.

The Board next heard a report from agency staff regarding audits of premises where it was found that minimum standards for recordkeeping were not being met. The Board directed staff to continue this procedure as well as auditing proper labeling of x-rays being taken at premises.

The Board recessed for lunch and for probable cause meetings and a show cause hearing at 12:30 p.m. The Board reconvened at 2:10 p.m.

The Board reviewed agency communications regarding surviving spouse maintaining a veterinary practice, the budget, questions by AAVSB regarding the veterinary technician national exam, and the KVMA Executive Board.

The Board reviewed and approved dates & locations of future Board Meetings on February 3, 2010; April 30, 2010; July 16, 2010; September 10, 2010; December 3, 2010; and February 18, 2011.

Having no other business before the Board at this time, Olson moved to adjourn the meeting. Barta seconded the motion, which passed with no dissenting votes. This meeting adjourned at 3:15 p.m.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_