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Commonwealth of Massachusetts
Division of Professional Licensure
BOARD OF REGISTRATION IN VETERINARY MEDICINE
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JOHN C. CHAPMAN
UNDERSECRETARY OF
CONSUMER AFFAIRS AND
BUSINESS REGULATION

CHARLES BORSTEL
DIRECTOR, DIVISION OF
PROFESSIONAL LICENSURE

Massachusetts Board of Veterinary Medicine
Open Board Minutes for January 14, 2016

Present:

Dr. David Diamond – Chair
Dr. Karen Patti – Member
Dr. Sheri Siegel – Member
Donna Turley, Esq. – Member

Board and DPL Staff:

Ann Barry, Executive Director
Jennifer Romeo-Porcaro, Assoc. Executive Director
James O'Connor, Board Counsel
Elizabeth Regan, Board Administrator
Alan Van Tassel, Supervising Investigator
Robert Williams, Investigator
Bruce Hopper, Chief Legal Counsel

Public Present:

Susan Curtis – Executive Director, Massachusetts Veterinary Medical Association
Dr. Robert Shurtleff - Massachusetts Veterinary Medical Association
Theresa Shurtleff

9:32 AM: Dr. Diamond called the meeting to order with a moment of silence for our troops. The Board welcomed the new Chief Legal Counsel, Atty. Bruce Hopper. Atty. Bruce Hopper reviewed the evacuation plan in the event of an emergency.

Vote on Minutes: December 10, 2015

The Board reviewed the Minutes from December 10, 2015. Motion was made by Dr. Patti to approve the minutes. Dr. Siegel seconded the motion. Motion passed unanimously by the Board.

Compliance Monitoring: Michael Katz (VT-10-032) – Monitoring Report

The Board accepted the Licensee's monitoring report.

Board Counsel's Report to the Board:

Regulation Review for Executive Order 562: Atty. Jim O'Connor reported the regulations, as revised by the Board, will be reviewed by the Division of Professional Licensure, Office of Consumer Affairs, Secretary of Administration and Finance and Secretary of Housing and Economic Development. Once reviewed by the various state agencies the Board will hold a public hearing on the regulations.

Susan Curtis, Executive Director, Massachusetts Veterinary Medical Association

- (a) **Dispensing of Prescription Veterinary Diets by a Non-Prescribing Veterinarian – Policy #08-02:** Susan Curtis, on behalf of the MVMA membership, requested clarity on the current policy. MVMA requests that the Board revise the language of the



policy to provide clarification and offer guidance to all licensed veterinarians in Massachusetts regarding those circumstances when prescription veterinary diets may be dispensed by non-prescribing veterinarians where a genuine veterinarian-client patient relationship (VCPR) does not exist. Motion was made by Atty. Turley to review the policy as now written and consider the MVMA's revisions. Dr. Siegel seconded the motion. Motion passed by Board majority. Atty. Jim O'Connor shall draft language for the Board's review.

- (b) Equine Dentistry:** Susan Curtis and Dr. Robert Shurtleff (MVMA) requested clarification from the Board as to what is the official definition of dentistry, especially as it pertains to 'floating' as practiced in equine dentistry. The concern of the MVMA is that floating, traditionally done by lay persons, may need more regulation/oversight. The Board stated that the current regulations are clear that dentistry on all animals (small and large) should only be performed by licensed veterinarians and equine medicine/dentistry (including floating) falls within the scope of veterinary medicine. The Board instructed the MVMA to file unlicensed practice complaints against any individuals that may be violating the Board's rules and regulations.

Investigative Conference – Closed Session under MGL ch. 112, section 65C

Dr. Siegel moved to suspend the Open Session pursuant to M.G.L. ch. 112, § 65C and enter into Closed Session so the Board could enter into Investigative Conference. The motion was seconded by Dr. Diamond. Motion passed unanimously by the Board.

The Board made the following decision while in Investigative Conference:

Prosecutor Annemarie Gallop-Belle – Closed Session under MGL ch. 112, section 65C: VT-15-007 (MK):

A motion was made by Dr. Patti to maintain current sanctions. The motion was seconded by Dr. Siegel. Motion passed unanimously by the Board.

A motion was made by Dr. Siegel to suspend the Investigative Conference and resume Open Session. The motion was seconded by Dr. Diamond. Motion passed unanimously by the Board.

Other Board Business:

(a) **Report from Office of Investigations:** None

(b) **Applications: Reinstatements, Reciprocity, Limited License, etc**

- i. **Reciprocity and Education Evaluation:** The Board provided Board staff with guidance.

(c) **Correspondences:** None

Executive Director's Report to the Board: None

Board Chair's Report: None

Investigative Conference – Closed Session under MGL ch. 112, Section 65C

Dr. Diamond moved to suspend the Open Session pursuant to M.G.L. ch. 112, § 65C and re-enter into Closed Session so the Board could re-enter into Investigative Conference. The motion was seconded by Dr. Siegel. Motion passed unanimously by the Board.

The Board made the following decisions while in Investigative Conference:

VT-2015-1354 (BRAH): Dr. Diamond recused himself and left the room during the discussion. A motion was made by Dr. Patti to dismiss. The motion was seconded by Atty. Turley. Motion passed unanimously by the Board.

VT-2015-1363 (BM): Dr. Diamond recused himself and left the room during the discussion. A motion was made by Atty. Turley to refer the matter to the Office of Prosecution. The motion was seconded by Dr. Patti. Motion passed unanimously by the Board.

VT-2015-1330 (RM): A motion was made by Dr. Diamond to dismiss. The motion was seconded by Dr. Patti. Motion passed unanimously by the Board.

VT-2015-1357 (WS): A motion was made by Atty. Turley to dismiss with an advisory letter. The motion was seconded by Dr. Siegel. Motion passed unanimously by the Board.

VT-2015-1359 (MN): A motion was made by Dr. Patti to dismiss. The motion was seconded by Dr. Siegel. Motion passed unanimously by the Board. A motion was made by Dr. Patti to open a new investigation against the medical director of the veterinary practice. The motion was seconded by Dr. Diamond. Motion passed unanimously by the Board.

VT-2015-1361 (MR): A motion was made by Atty. Turley to revoke license. The motion was seconded by Dr. Patti. Motion passed unanimously by the Board.

VT-2015-1383 (LB): A motion was made by Dr. Patti to dismiss. The motion was seconded by Atty. Turley. Dr. Diamond abstained. Motion passed by the Board.

A motion was made by Dr. Patti to suspend the Investigative Conference and resume Open Session. The motion was seconded by Dr. Siegel. Motion passed unanimously by the Board.

Atty. Turley moved to adjourn the meeting at 12:00 PM. The motion was seconded by Dr. Diamond. Motion passed unanimously by the Board.

List of documents:

- Minutes of December 10, 2015 meeting
- Michael Katz (VT-10-032): Compliance Monitoring report
- Correspondence (letter and email) from Susan Curtis, Mass. Veterinary Medical regarding prescription veterinary diets and equine dentistry

Dr. David Diamond, Chair
Board of Veterinary Medicine