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**Division of Occupational Licensure**  
**Board of Registration in Veterinary Medicine**

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**Massachusetts Board of Registration in Veterinary Medicine**  
**Public Meeting Minutes for April 14, 2022**  
**1000 Washington Street,**  
**Boston, MA 02118-6110**  
**9:30 a.m.**

**Board Members:**

Dr. Stephanie Kube, Chair  
Dr. Karen Patti, Secretary  
Dr. David Diamond, Member  
Dr. Rachel Orlowski, Member

**Absent Board Members:**

Dr. Candance Sloane

**Board Staff:**

Caitriona Taylor, Executive Director  
Jenna Hentoff, Board Counsel  
Jen Fraga, Program Coordinator II

**Meeting Called to Order at 9:32 AM**

**Board Business**

- The Board discussed the February 10<sup>th</sup> public meeting minutes. Dr. Diamond motioned to approve the February 10<sup>th</sup> minutes, seconded by Dr. Patti. The motion passed unanimously.
- The Board discussed the March 10<sup>th</sup> public meeting minutes. Dr. Diamond motioned to approve the March 10<sup>th</sup> minutes, seconded by Dr. Patti. The motion passed unanimously.

**Executive Director Report, Including**

- Nothing to report.

**Board Counsel Report, Including**

- Nero's Law. Board Counsel Jenna Hentoff discussed the new Nero's Law. The law amended M.G.L. c. 111C and requires EMS personnel to provide emergency treatment and transport to police dogs injured in the line of duty provided that it does not inhibit their ability to provide such treatment and transport to a person requiring such services. Ms. Hentoff noted that this new law also amends M.G.L. c. 112, s. 58 by adding to the list of exemptions from the practice of veterinary medicine an exemption for the provision of care to an injured police dog by an EMS provider under M.G.L. c. 111C, s. 9A. The Massachusetts Veterinary Medical Association and department of state police's K9 unit is to work with the Department of Public Health on policies and procedures for implementation.

*Reasonable accommodations or modifications will be provided to individuals with disabilities to participate in the meeting taking place on the date listed above. All requests should be directed to Cheryl Yebba at 617-727-4992 or TTY/TDD: (617) 727-2099 by no later than 48 hours prior to the meeting. While the Board will attempt to honor all requests those requests received less than 48 hours prior to the meeting may not be provided due to feasibility.*

## **Board Discussion**

- The Board discussed draft regulations at 256 CMR 2.00 and 8.00, as presented by Board Counsel Jenna Hentoff, including what veterinary medicine tasks may or may not require supervision and associated definitions for types of supervision of Veterinary Assistants. Dr. Kube liked the updates and reminded the group that veterinarians are responsible for their work and the work of the people they supervise. The Board discussed the specific tasks included in the draft regulations under direct and indirect supervision and recommended altering the language to clarify that the tasks listed are examples and are not exhaustive. The Board also asked that it be included that all communications involving the Veterinary Assistant with animal owners as well as with the Supervising Veterinarian be included in the animal's medical record. The Board further clarified that virtual supervision could occur via indirect supervision as it allows for supervision via electronic means. Dr. Kube said Ms. Hentoff did a great job in updating the draft regulations with Board member agreement. Ms. Hentoff suggested that Board members review the other sections of the regulations in order to discuss proposed amendments to other sections at a future Board meeting. Dr. Kube asked for public comment. Public attendee Ed Carlson stated that he intended to request copy of the draft regulations after the meeting in order to provide comment.
- Dr. Kube raised the matter of the Board's current continuing education requirement to obtain a certain number of interactive vs. non-interactive credits. Board Counsel Jenna Hentoff discussed her review of Board policies as well as RACE definitions and recommended that the Board consider amending its continuing education regulations in order to reach the desired result of changing the required number of interactive vs. non-interactive credits. Ms. Hentoff will draft a possible amendment to the section for discussion at a future Board meeting based upon the Board's discussion.

## **Correspondence**

- Veterinarian looking for clarification/interpretation of 256 CMR 5.01(1), received March 18, 2022, from John F. Nostrant – The Board addressed a follow-up email from Dr. Nostrant regarding medical records and an animal's change of ownership. After discussion, the Board stated that medical records can be released to the current owner even if they are dated prior to the start of their ownership. The Board declined to offer a recommendation on what constitutes acceptable proof of ownership since that is outside their scope of authority. Finally, the Board stated that if medical information and images are generated in the context of a pre-purchase examination completed on behalf of a potential buyer, the animal's owner has the right to have access to that information should they request it. Board staff and counsel will respond.
- Rabies vax proof to boarding facility, received March 22, 2022, from Jamie Falzone – After a thorough discussion of the correspondence, including additional input from Ms. Falzone who was in attendance, the Board stated that the veterinarian cannot provide medical record information, including rabies vaccine information, without the consent of the owner pursuant to its regulations. The boarding facility may also be able to obtain such information if it is on record with the city or town and is public record. Board staff and counsel will respond.
- Rabies [vaccination administration by veterinary technicians], received March 24, 2022, from Pam Stone – The Board stated that rabies vaccinations should be administered by a licensed veterinarian. The Board noted conflicting information contained in the Department of Public Health ("DPH") and the Department of Agricultural Resources ("DAR") and asked Executive Director Cairíona Taylor to obtain clarification. The

Board further asked that Ms. Stone be referred to the DPH and DAR as well.

- Veterinarian-Client-Patient Relationship [in shelter], received March 29, 2022, from Nicole Breda – After Board discussion, the Board stated that the shelter veterinarian does not need to meet with every new owner to establish a new VCPR. Board staff and counsel will respond.

**Open Session for Topics Not Reasonably Anticipated by the Chair 48 Hours in Advance of Meeting:** No topics were addressed.

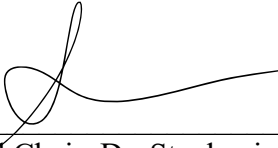
At 10:48 a.m., Dr. Diamond made a motion to adjourn the public meeting and enter Closed Session for Investigative Conference to consider open cases, conduct investigative conferences and consider settlement offers pursuant to G.L. c. 112, s. 65C. The open meeting would not resume. The motion was seconded by Dr. Orłowski and approved unanimously.

**Investigative Conference CLOSED under M.G.L. c. 112, § 65C**

- **Settlement offer**
  - 2021-000122-IT-ENF (CP) Gave guidance to Prosecutor
  - 2021-000306-IT-ENF (CP)
- **Cases**
  - 2021-001134-IT-ENF (AK) Forward to Prosecutions
  - 2021-001190-IT-ENF (LM) Dismissed with Advisory Letter. Dr. Orłowski recused herself from this case.
  - 2021-001196-IT-ENF (DL) Dismissed
  - 2021-001203-IT-ENF (BS) Dismissed
  - 2021-001205-IT-ENF (WS) Forward to Prosecutions
  - 2022-000023-IT-ENF (PM) Dismissed. Board opened two new complaints.

At 12:18pm, Dr. Patti made a motion to adjourn the meeting, seconded by Dr. Kube. The motion passed unanimously.

**Meeting Minutes Signed by:**

  
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Board Chair, Dr. Stephanie Kube

**List of Documents Used During the Public Meeting:**

- 4.14.2022 Public Agenda
- 2.10.2022 Public Meeting Minutes
- 3.10.2022 Public Meeting Minutes
- Session Law - Acts of 2022 Chapter 23 - AKA Nero's Law
- Draft of Board regulations, 256 CMR 2.00 and 8.00
- Email correspondence from Fred Nostrant, dated 3.8.2022
- Email correspondence from Jamie Falzone, dated 3.22.2022
- Email correspondence from Pam Stone, dated 3.24.2022
- Email correspondence from Nicole Breda, dated 3.29.2022