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Board of Registration in Veterinary
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Public Meeting Minutes
August 11, 2022
1000 Washington Street,
Boston, MA 02118-6110

Members Present: Dr. Stephanie Kube, <i>Chair</i> Dr. Karen Patti, <i>Secretary</i> Dr. David Diamond, <i>Member</i> Dr. Rachel Orlowski, <i>Member</i> Dr. Candance Sloane, <i>Public Member</i>	Administrative Staff Present: Keith Gleason, <i>Executive Director</i> Tamara Smith, <i>Program Coordinator</i> Milla Lewis, <i>Administrative Assistant</i> Jenna Hentoff, <i>Board Counsel</i>
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The meeting was called to order by the chair at 9:30 A.M.

1. Review public minutes of the meeting June 9, 2022.
 - Dr. Orlowski made a motion, seconded by Dr. Patti, to approve the minutes as presented. The motion passed by a majority vote. Dr. Sloane abstained.
2. The Executive Director reported on the following:
 - a) The Executive Director discussed the requirement under MGL c. 30A §20 (f) to notify the Board Chair in order to record video or audio of meetings. The statute allows anyone to make a recording of a public meeting after notifying the chair, subject to reasonable requirements of the chair.
 - b) The Executive Director notified the Board that the unit staff transition is complete.
 - c) Staff is working with the exam vendor ICVA on streamlining application processes. Changes and/or updates to instructions will be posted online.
3. Legal Counsel reported on the following:
 - a) Executive Order by Gov. Baker regarding Protection of Access to Reproductive Healthcare
 - Counsel reviewed the Governor's Executive Order which prohibits Executive Department agencies from assisting another state's investigation of individuals or entities providing or receiving reproductive health services which are legal in Massachusetts and protects providers from loss of licensure or discipline based on out of state charges, convictions, or disciplinary actions for providing reproductive healthcare services. The Boards will be implementing policies to ensure that no one is denied a license or has a license disciplined due to providing or assisting regarding reproductive health care services that are covered by

the Order based upon out of state charges or discipline. Counsel will provide updates to the Board when they are available.

b) Cooperation with Law Enforcement

- Counsel stated, in response to Dr. Patti's inquiry at the June meeting, if licensees are contacted by law enforcement in relation to medical records, licensees may consult their own attorney. Further, Counsel referred to the Board's regulation regarding the dissemination of medical records at 256 CMR 5.01.

4. Board Correspondence Review/Discussion

a) Question about prescription food refills without a VCPR (Vet Client Patient Relationship),

- After discussion, the Board stated that it is up to the veterinarian's discretion as to how often a patient must be seen in order to maintain a VCPR. The Board's regulations outline what is required to establish a VCPR but do not specify how often the patient must be seen to maintain the VCPR. Board staff were directed to respond.
- Dr. Diamond further commented on the existence of prescription diets, stating that the foods in themselves are not prescription medications but therapeutic diets that are being branded as "prescription diets."

b) Question from the Abington Animal Hospital regarding refills of prescriptions on patients not seen in over a year.

- The Board reiterated a similar response as the prior inquiry that how to maintain a VCPR is at the discretion of the veterinarian. Board staff to respond.

5. Review Applications for Limited Practitioner

a) 2022-000137-VT-APP – Federico Maggio

- The Board reviewed Dr. Maggio's application for a Limited Practitioner License based upon her status as a Veterinary Specialist who has been board certified for approximately 17 years. The Executive Director reviewed the application with the Board members. The Board discussed whether the requirement that the applicant have graduated from an AVMA approved veterinary school could be waived under the Board's regulations. After discussion, Dr. Diamond made a motion, seconded by Dr. Sloane, to issue a waiver to Dr. Maggio pursuant to 256 CMR 3.03(6) and 3.07 contingent upon verification of continuing education by Board staff. The motion passed unanimously.
- The status of the Tufts institutional license and of those practicing under said license, which was raised in connection with this review, will be discussed at a future meeting.

6. Review/Discuss

a) Board Meeting Schedule

- Counsel informed the Board that the Legislature has extended the ability to hold virtual Board meetings through March 31, 2023. However, the Board was reminded that if the members chose to meet in person, a member may be able to participate remotely with at least a quorum of the Board, including the chair or the person designated to chair the meeting, present in the meeting location.
- The Board confirmed that the September meeting would be held in person.

b) Regulation Review

- Counsel presented amendments to 256 CMR 9.00 as discussed by the Board at the June meeting.
- The Board went on to discuss requirements for limited practitioners, expressing that they'd like to see a standard of required experience. Counsel noted that the Board requires that a reciprocity applicant have practiced for at least 5 years to be eligible for a license by reciprocity and could extend that to applicants for limited practitioner licenses. The Board directed Counsel to amend the regulations to reflect the Board's discussion regarding limited practitioner licenses and reciprocity licenses.
- Dr. Diamond suggested the Board consider reviewing Sections 3.00 and 4.00 of the Board's regulations at the following meeting.

c) Delegation to Board staff for approval of applications

- The Executive Director asked that the Board delegate the review of all applications to Board staff with the ability to bring forward any applications with questionable credentials. The members agreed.

7. Matters not reasonably anticipated 48 hours in advance of the meeting.

- Dr. Diamond asked whether anonymous complaints are possible via E-place portal. The Executive Director suggested such complaints are submitted in post to ensure anonymity as anonymous complaints cannot be submitted through the portal.
- The Executive Director presented a communication inquiring whether the 5-year requirement for reciprocity must be 5 years of active licensure. The members agreed that the license having been held for that period of time is sufficient given the inquirer's two months of inactivity.

The Chair opened the meeting for public comment.

- Bruce Chase spoke regarding the matter of prescription diets, echoing Dr. Diamond's sentiments.

8. Executive Session (M.G.L. c. 30A, §21 – Closed session) – no matters scheduled.

9. Investigative Conference (M.G.L. c. 112, § 65C – Closed session)

The Chair announced that the rest of the meeting will be for discussion of items in closed session, and upon conclusion, the Board would adjourn. At 10:47 A.M., Dr. Diamond made a motion, seconded by Dr. Sloane, to enter Investigative Conference. The motion passed unanimously.

a. Discussion of complaints prior to the issuance of an order to show cause

Docket	Determination	Recusal
2021-000779-IT-ENF	Gave direction to prosecutor	
2022-000235-IT-ENF	Forward for prosecution	Dr. Kube

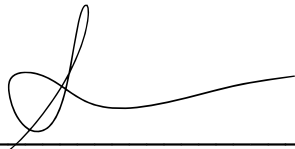
2022-000219-IT-ENF	Dismiss w/o prejudice	
2022-000070-IT-ENF	Dismiss w/Advisory	
2022-000389-IT-ENF	Dismiss w/o prejudice	
2022-000209-IT-ENF	Dismiss w/o prejudice	
2022-000275-IT-ENF	Forward for prosecution; Open new complaint	Dr. Diamond Dr. Patti
2022-000336-IT-ENF	Forward for prosecution	
2022-000366-IT-ENF	Dismiss w/o prejudice	
2022-000388-IT-ENF	Forward for prosecution	
2022-000414-IT-ENF	Return to investigations	
2022-000413-IT-ENF	Forward for prosecution	

10. Quasi-Judicial Session to discuss disciplinary decisions (Closed per M.G.L c. 30A, §18)
At 1:19 P.M., Dr. Sloane made a motion, seconded by Dr. Orłowski, to enter quasi-judicial session.
The motion passed unanimously.

2021-000272-IT-ENF	Issue Final Decision and Order
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11. Adjournment – the next scheduled meeting is September 8, 2022
At 1:27 P.M., Dr. Orłowski made a motion, Dr. Patti seconded, and the members unanimously voted to adjourn the meeting.

Meeting minutes signed by:



Board Chair, Dr. Stephanie Kube

List of Documents Used During the Public Meeting:

- Meeting Agenda
- June 9, 2022 Public Meeting Minutes
- Correspondences
- Application documents for Dr. Maggio
- Draft Board regulations, 256 CMR 2.00, 8.00 and 9.00