



ANNUAL BOARD UPDATE

STATE OF NEVADA BOARD OF VETERINARY MEDICAL EXAMINERS

NOVEMBER 2004

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From The President

It is an honor for me to be the new President of the Board of Veterinary Medical Examiners. The board owes a great deal of thanks to Dr. Gary Ailes for his leadership the last two years.

The board is also indebted to Debbie Machen, our executive director, and Keith Marcher, our senior deputy assistant attorney general. Debbie answers a multitude of questions daily from veterinarians, veterinary technicians and the public and is an invaluable asset. Mr. Marcher assures that the board follows the rules and regulations that we are governed by. They are both outstanding individuals and we are fortunate to have their guidance.

Things have changed in the 23 years that I have been licensed in the state of Nevada. The good news for veterinarians is that the human animal bond is stronger than ever before, but people may have much higher expectations and may be more likely to pursue board and/or legal action against veterinarians. In 2004 the board has seen a troubling 30% increase in the number of complaints that have been investigated. At our September 30th meeting we heard 24 complaints. Even though complaints have increased the common thread of the complaints seems to remain the same. Those threads are lack of or poor communication between the veterinarian and the client and poor medical records.

What can we, as veterinarians, do to educate ourselves? An excellent place to start is by attending one of Dr. Chumrau's "Anatomy of a Complaint" seminars. These are given in conjunction with the NVMA and are usually offered twice yearly. If you have never attended one they are real eye openers in terms of how the public perceives some of the things we do and how we respond. They provide a great review of certain aspects of our practice act.

In all cases we should communicate with our clients as much as possible and the more communication that is in writing (estimates, release forms, handouts, etc.) the better. Clients have a right to know what we're doing, why we're doing it, what is the expected outcome for their pet and what it will cost. Many complaints could be avoided if a simple communication with the client took place either in person, by phone, or even by a letter.

Maintaining good medical records is a pain, but is an absolute necessity. We may be the best doc-

tors in the world and do everything correctly, but if something isn't documented in the medical record, the board has to assume it wasn't done.

Dr. Ailes discussed both of these issues last year in the newsletter and even went a step further in discussing the art of communication plus outlining what a medical record should include. Debbie can get a copy of his article for those of you that would like some excellent suggestions.

If you have any questions or concerns please call the board office and Debbie will guide you. If she doesn't have an answer she'll research the question and get back to you. The board is appointed to protect the public. The board is a cross section of veterinarians and one lay person all of whom are interested in keeping the laws concerning veterinary licensing and veterinary care fair and up to date. Pride in our profession will help all of us keep Nevada a wonderful state to work in. Thank you.



Changes in the Board's Officers

The Nevada State Board of Veterinary Medical Examiners elected new officers at its September meeting. Jon Pennell, DVM was elected President and Chris Yach, DVM was elected Vice-President. A special thanks to Gary Ailes, DVM who has served on the Board for the past six years and has served as President for the last two years.

Welcome New Staff

We welcome Tracie Estep as the new administrative assistant at the Board office in Reno. Tracie was born in Renton, Washington just outside Seattle and moved to Carson City when she was three. She graduated from Carson High School in 1991.

She has two beautiful children, Alexandra and Hayden. She also has two cockatiels, Pepsi and Green Bean, one 20 pound cat, Hercules, and a Yorkie named Matty.

Disciplinary Action

The following is a summary of disciplinary hearings, disciplinary Consent Decrees, and Letters of Reprimand that were entered into with the Board in the past year. The findings of the Board and the discipline taken are detailed below:

- ❑ *It was alleged that the Licensee demonstrated a departure from the standard of care, negligence, in that the Licensee administered the drug "Mitotane" without proper follow-up, monitoring, or recheck examinations. It was also alleged that the drug "Mitotane" had been mislabeled regarding the dosage. The Board accepted a Negotiated Settlement Agreement and entered the following order: A Consent Decree was issued and the Licensee agreed that he would attend five hours of continuing education in endocrine diseases and pay the Board legal, investigate, and board costs of \$250.00.*
- ❑ *In a disciplinary hearing it was found that the Licensee was guilty of gross negligence and incompetence in the care and treatment of a critically ill patient. The Board also found the Licensee guilty of incompetence in allowing a person not licensed as a veterinary technician to perform acts that may only be performed by licensed person and guilty of the AVMA Principles of Veterinary Medical Ethics by not considering the welfare of the patient for the purpose of relieving suffering and disability while causing a minimum of pain or fright. The Licensee's veterinary license was to be suspended for a period of two months, the Licensee was placed on probation for three years, random inspections will be conducted by the Board and the licensee will reimburse board costs of \$9,997.00. This action was appealed by the Licensee to the District Court and to the Nevada Supreme Court. Both courts upheld the above noted action that was taken by the Board.*
- ❑ *It was alleged that the Licensee demonstrated a departure from the standard of care, negligence, in that the Licensee did not indicate in the medical record that sufficient options were recommended to the owner that presented the Licensee with a dog that had been in labor for twelve hours. The Board accepted a Negotiated Settlement Agreement and entered the following order: A Public Letter of Reprimand was issued and the Licensee agreed to pay the Board legal, investigate, and board costs of \$250.00.*
- ❑ *It was alleged that the Licensee demonstrated a departure from the standard of care, negligence, in that the Licensee did not advise the client of the complications after surgery, or provide them with any options regarding the treatment of the dog following the convulsions/seizure. The medical records of the necropsy performed did not indicate any physical findings or that any Hisptopath was done. The Board accepted a Negotiated Settlement Agreement and entered the following order: A Public Letter of Reprimand was issued and the Licensee agreed to attend five hours of continuing education in post-op care and pay the Board legal, investigate, and board costs of \$250.00.*
- ❑ *It was alleged that the Licensee demonstrated a departure from the standard of care, negligence, in that the surgical technique used in a spay was inadequate. It was also alleged that the Licensee's medical records did not reflect the actual procedures that were done. Default information that was generated by the computer did not reflect what was actually done. The Board accepted a Negotiated Settlement Agreement and entered the following order: A Public Letter of Reprimand was issued and the Licensee agreed to attend five hours of continuing education in post-op care and pay the Board legal, investigate, and board costs of \$250.00.*
- ❑ *It was alleged that an unlicensed person had administered tranquilizers and performed dentistry on several horses. This case was turned over to the local district attorney's office for practicing veterinary medicine without a license.*
- ❑ *It was alleged that the Licensee's medical records were incomplete regarding the physical examination, including temperature, pulse, and respiration. Also during the medical management of the case the medical record did not indicate the progress and disposition of the case. The Board accepted a Negotiated Settlement Agreement and entered the following order: A Public Letter of Reprimand was issued and the Licensee agreed to take and pass the state jurisprudence examination, attend "Anatomy of a Complaint" continuing education course, and pay the Board legal, investigate, and board costs of \$250.00. The facility will also be subject to random inspections which will be paid for by the Licensee.*

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Regulation Update

The following summarizes the Boards activities with respect to regulations proposed, revised, or adopted.

Adopted by the Secretary of State on April 26, 2004

- Defining "animal physical therapy" and establishing the criteria and qualifications for registering as an animal physical therapist with the Board.
- A veterinary technician in training can now be registered with the board for two years and the fee was increased to \$50.00 for the two year registration.
- A facility that does not meet the minimum standards of practice of veterinary medicine as set forth in NRS 638 may be subject to disciplinary action.



- The fee to change from inactive to active status during a licensing period was reduced by \$25.00.

Proposed Regulations

- Requirements for an applicant for a license to practice as a veterinary technician.
- Approved continuing education courses by the Board.
- Auditing of continuing education.
- Release of radiographs to the owner of an animal.

A copy of these new or adopted regulations can be obtained by calling the board office at (775) 688-1788. A workshop and hearing was held on the above noted proposed regulations in Las Vegas on September 30, 2004. There also will be a workshop and hearing on December 9, 2004, in Reno.

The Practice Act (NRS & NAC) is available on-line at our website, www.nvvetboard.us or call the Board office and we will be glad to send you a copy.

Use of "Default" Values in Clinical Records

Richard C. Simmonds, D.V.M., M.S.

During a number of recent hospital inspections it has been observed that some computerized clinical records systems insert "default" values for the patient's rectal temperature, pulse rate, and respiration rate (TPR), requiring the examining veterinarian to manually change the values to those actually observed.

In several instances it was observed that numerous records contained repeated identical TPR values all of which corresponded exactly with the "default" values. Understandingly, this situation may lead inspectors to suspect that the physical examinations required by the Nevada Practice Act were not actually accomplished.

In another instance, where several surgeries were being accomplished in succession, it was noted that several animals in succession had identical values manually entered in the surgical record for the TPRs at the time anesthesia was induced. Posted on the wall above the counter where the anesthesia was being induced was a chart indicating "normal" TPRs for dogs and cats of various ages. Coincidentally, the identical values on the animal records matched exactly the values on the chart. Since it is highly unlikely that several animals in a row would have identical TPR values, values that exactly matched the "normals" posted on the wall. This situation also led the inspector to suspect that the values had been "penciled in" and that the required physical examinations had not been accomplished.

If other information were to verify that the examinations described here, in fact, were not accomplished the veterinarians (NOT the owner(s) of the practice) initiating the record could be cited for having fraudulent records.

To prevent situations where inspectors might question the validity of clinical records, all "default" values, whether included as part of a computerized database or posted as "guides," should be deleted from the database or removed from easy access where such records are being generated. In other words, all TPR clinical records should be only manually generated contemporaneously with the physical examination.

Storage Temperatures for Perishable Products

By Richard C. Simmonds, D.V.M., M.S.

A complaint was received involving advice allegedly provided to a client regarding storage temperatures for a prescription canned pet food product.

The client was allegedly told when he called the practice where he had purchased the canned food that it would be safe to leave the case of food in the trunk of his car, in Las Vegas, for a prolonged period. The complainant believes that this advice led to a clinical case of food poisoning in his animal.

During investigation of the complaint, it was determined that the only instructions regarding storage temperatures on either the cans or the cardboard cases containing the cans related to storing the cans after they were opened (they should be "refrigerated"). However, review of the manufacturer's "veterinarians only" web

pages disclosed the instruction to, "Store food in a cool, dry area. Temperatures should not be below 50 degrees Fahrenheit or above 90 degrees." Obviously, temperatures in the trunk of a car in Las Vegas at almost anytime of the year will exceed 90 degrees!

Managers of practices that sell perishable products should ensure that they and their staffs are knowledgeable about the proper storage temperatures and conditions for all such products, whether the product containers are opened or unopened. It is particularly important that staff answering phone inquiries be aware of such information.



Electronic Monitoring of Environmental Conditions

Richard C. Simmonds, D.V.M., M.S.

As a result of a number of conversations with clients of various veterinary practices it seems to me that the public is developing a consensus expectation that hospitals that board animals or keep patients overnight have staff present 24/7. In at least one incident that may have occurred, temperatures in the boarding area of a hospital rose to dangerous levels when the air conditioning system failed. In another incident that occurred to a colleague and friend back in Maryland, a fire broke out in his unattended clinic one night and all of the hospitalized animals were killed.

In conversations with a number of practitioners, it was my impression that some of our colleagues are not aware of the fact that services that install and monitor security alarms (which most, if not all hospitals now have) can, at a moderate additional cost, provide constant monitoring for fire and environmental extremes.

Owners of hospitals that keep animals overnight, without a staff member being present, should give serious consideration to having their security alarm system's capabilities expanded to include fire and excess environmental temperature detection.

2004 Statistics



	2003	2004
<i>Number of New Veterinarians licensed</i>	55	71
<i>Total Number of Active Veterinarians licensed</i>	561	585
<i>Total Number of Inactive Veterinarians licensed</i>	176	183
<i>Number of new Board Certified Diplomates licensed</i>	4	12
<i>Total Number of Board Certified Diplomates licensed</i>	43	57
<i>Total Number of Veterinary Facilities licensed</i>	158	167
<i>Number of New Veterinary Technicians licensed</i>	27	63
<i>Total Number of Veterinary Technicians licensed</i>	215	261
<i>Total Number of Veterinary Technicians in Training</i>	73	64
<i>Number of New Euthanasia Technicians licensed</i>	6	10
<i>Total Number of Euthanasia Technicians licensed</i>	76	79
<i>Number of Animal Chiropractor Registrations</i>	1	1
<i>Number of Animal Physical Therapists Registrations</i>	0	2
<i>Number of complaints called into the Board office</i>	109	124
<i>Number of formal complaints filed</i>	42	53
<i>Number of complaints dismissed</i>	23	30
<i>Number of disciplinary settlement agreements</i>	10	8
<i>Number of administrative hearings held/pending</i>	0	0

BOARD MEETING SCHEDULE

December 9, 2004	Reno
March, 2005	Las Vegas

EXAMINATION SCHEDULE

NAVLE

11/15/04-12/11/04	Reno/Las Vegas
Deadline	September 8, 2003
April 11-23, 2005	Reno/Las Vegas
Deadline	December 31, 2004

VTNE

January 21, 2005	...
Deadline	November 19, 2004
June 17, 2005	...
Deadline	April 23, 2004



On-Line Renewals

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www.nvvetboard.us