



February 19, 2011

Joint Ways & Means Subcommittee on Education

- Rep. Betty Komp, Co-Chair
- Rep. Rod Monroe, Co-Chair
- Rep. Lew Fredrick
- Rep. Sherrie Sprenger
- Sen. Chris Edwards
- Sen. Fred Girod

Dear Co-Chairs and Members:

I am Lori Makinen, Board administrator. I am here to present the Board's budget request, to tell you about the Board, and answer any questions you have.

- ▶ The Board was established in 1903 and operates under authority of ORS Chapter 686.
- ▶ **Mission: To protect animal health and welfare, public health, and consumers of veterinary services by vigorously and fairly enforcing the Oregon Veterinary Practice Act.**
- ▶ The Board has eight members appointed by the Governor and confirmed by the Senate. Five are practicing veterinarians; one is a Certified Veterinary Technician; and two are citizens representing consumers. The Board sets and enforces medical practice standards, hears and adjudicates complaints, and takes disciplinary action as necessary. Board administrative staff includes a full-time director, .75FTE administrative assistant, and a full-time investigator. Staff are responsible for office administration, license application review, administering and grading license exams, license issuance, and investigation and presentation of all complaints received.

▶ Current licensees: 2,090 veterinarians, 1,115 certified veterinary technicians, and 61 Certified Euthanasia Technicians. The Board's .75 FTE administrative assistant processes license applications and when the application is complete and approved, issues licenses.

| Licensee Count Over Last Three Biennia |               |                     |
|--|---------------|---------------------|
|  | Veterinarians | Certified Vet Techs |
| 07-09                                  | 1,926         | 884                 |
| 09-11                                  | 2,044         | 1,078               |
| 01-13                                  | 2,090         | 1,115               |

- ▶ Current Rule Activities:
  1. The Board has begun a complete review of OAR 875.
  2. Substantive amendments will allow Certified Veterinary Technicians to perform certain duties in patients' homes or places where patients are kept. This will expand care options and may reduce costs.



► Complaints continue to be a major workload item for staff and agenda item for members. We have received almost 500 complaints thus far in the biennium; of these, 238 were reviewed and 77 have proven to be jurisdictional. Jurisdictional complaints are allegations of violations of the Veterinary Practice Act, such as surgical or diagnostic malpractice, substance abuse, unlicensed practice and, sometimes, criminal activity. Any complaint concerning an animal's death is investigated. Of the 77 complaints reviewed to date, 17 have resulted in notices of discipline. Two of these cases resulted in emergency suspensions for substance abuse, one is scheduled for hearing and the rest were settled through stipulated agreements. Four veterinarians surrendered their licenses after the Board found significant violations that had resulted in patient deaths in two cases, significant practice deficiencies in one case, and chronic alcohol impairment in one case. Average complaint resolution time is 69 days, which is an improvement over last biennium. The Board's 1FTE investigator reviews all complaints received.

Other violations that resulted in discipline included:

- Use of unapproved treatment. Failure to use standard treatment resulted in the animal's death.
- Violation of Drug Enforcement Agency, Radiation Protection Safety rules.
- Failure to provide patient records. This is a serious administrative violation that potentially affects patient care.
- Unsanitary/unsafe facility conditions. Failure to isolate infectious animals or maintain asepsis are animal and public health risks.
- Practicing without a license.

| Period | Complaints Reviewed | No. of Violations | Fines     | Av. Cost per Per Case | Total Admin. Cost      |
|--------|---------------------|-------------------|-----------|-----------------------|------------------------|
| 11-13  | 500 <sup>1</sup>    | 17                | \$15,455  | N/A                   | \$129,776 <sup>2</sup> |
| 09-11  | 300                 | 13                | \$103,000 | \$180                 | \$37,373               |
| 07-09  | 228                 | 17                | \$12,400  | \$240                 | N/A                    |
| 05-07  | 159                 | 10                | \$2,800   | \$177                 | \$177                  |

<sup>1</sup> As of February 2013. Increase due in part to change in documenting staff-received/resolved complaints.

<sup>2</sup> Significant resources are expended in securing license surrender and abstention from reapplication.

► Fees were last raised in 1993; an increase is needed now. We still do not charge for various administrative services, such as duplicate licenses, license status reports to other states, bounced checks, etc. Increased fees will still be lower than those of many other states. Expenditures have gone up due to routine increases in rent, costs of goods and services and salaries. The Board's ending balance has decreased due in part to increased costs, plus reduction in revenues due to elimination of redundant application fees to license applicants. Based on our annual renewal cycle, the Board needs at least seven months cash in reserve. Without a fee increase, reductions in staff will be necessary, which will in turn eliminate the Board's ability to effectively investigate allegations of veterinary malpractice. The chart below shows Oregon's license fee increase compared with other states' fees.

| State      | Fee                | Per Year | Two Years |
|------------|--------------------|----------|-----------|
| Oregon     | <sup>1</sup> \$150 | ✓        |           |
| Alaska     | \$375              |          | ✓         |
| Arizona    | <sup>2</sup> \$400 |          | ✓         |
| California | <sup>3</sup> \$250 |          | ✓         |
| Hawaii     | \$300              |          | ✓         |
| Idaho      | \$200              | ✓        |           |
| Nevada     | <sup>4</sup> \$200 | ✓        |           |
| Utah       | \$250              | ✓        |           |
| Washington | <sup>5</sup> \$125 | ✓        |           |

<sup>1</sup>Proposed increase from \$100 annually. <sup>2</sup>Additional fee of \$750 for specialty license.

<sup>3</sup>Plus \$100 for premise permit.

<sup>4</sup>Plus \$330 for state exam if national exam not taken five years preceding application.

<sup>5</sup>Additional fee of \$125 for specialty license.

## **Program Priorities and Goals and Improvements**

- ▶ Continue to streamline complaint investigation and resolution (KMP #1).

The Board renewed its delegation authority to staff to make jurisdictional determinations, i.e., deciding whether or not a complaint falls under the Board's disciplinary purview. The Board periodically reviews the complaint intake process to ensure staff are properly judging validity of complaints.

- ▶ Strive to improve customer satisfaction regarding complaints (KMP #1).

Most complaints from the public concern matters not within the Board's purview, e.g., fees, business practices and decisions, licensees' interpersonal conduct. Since ORS 676 prevents the Board from providing details that might help the complainant understand its decision, the complainant often concludes that the Board has done nothing. The Board has begun to provide more information to complainants initially about its communication restrictions under confidentiality law.

- ▶ Continue to streamline the license renewal process (KMP #3).

Online renewal was more effective this biennium due in part to greater efforts by the Board to notify licensees and a higher comfort level with the process. The Board continued to provide paper renewals, but has notified licensees that the process will eventually go paperless.

- ▶ Improve data gathering and retrieval.

The Board plans to upgrade its database to Customer Relations Management software that has vastly expanded capabilities and more user options. This will provide more flexibility for staff use and less reliance on the IT contractor.

- ▶ Provide technical assistance to licensees.

The Board plans to develop Continuing Education programs that licensees will access through the state's I-Learn option. Medical Records deficiencies are widespread in the profession. There is no single medical records CE course that covers different states' requirements, so the Board will develop its own.

- ▶ Rule changes that improved patient care.

Last biennium the Board amended its rules to require pain management in veterinary procedures and a minimum yearly exam for animal patients. The Board will continue to evaluate patient records for opportunities to educate licensees in improving compliance with these new rules. (Initial resistance to both rule changes has abated.)

- ▶ Cost containment and resource-sharing.

The Board continues to keep discretionary expenditures at a minimum and shares space and office equipment with co-located boards in the Portland State Office Building. Sharing of information, including attorney advice that pertains to statutes affecting all HPRBs, also saves resources.

▶ Legislation affecting the Board

The Oregon Veterinary Medical Association has proposed two concepts that affect the Board:

LC 273 would allow veterinary practices to be owned in part by non-licensed individuals. It resolves a long-standing issue with spousal, employee or other non-licensed co-ownership of a practice. Other provisions of the LC, if included, would require the Board to license and regulate public and nonprofit animal shelters. This would potentially require additional fees for extra investigative resources.

LC 2430 gives the Board 'cite and fine' authority, which would allow the Board to address minor administrative violations without going through a disciplinary process and making the matter public.

▶ Key Measure Update

KPM 1: Ensure Public Protection (Average time from receipt of a new complaint to completion of the investigation.)

The Board is meeting the statutory requirement of reporting cases to the Board within 120 days.

KMP 2: Ensure Public Protection (Percent of decisions not contested or appealed, or upheld on appeal.)

The Board has prevailed in one case that was appealed (including an attempt to have it heard by the Oregon Supreme Court), has one other case currently on appeal, and two hearings scheduled. Of 17 discipline notices issued to date in the biennium, only two have requested a hearing.

KMP 3: Customer Service (Percent of customers rating their overall satisfaction with the agency above average or excellent.)

Not meeting this target. As the economy worsens, the Board is increasingly held accountable for veterinary fees and perceived malpractice. Responses in this category reflect consumers' dissatisfaction with limits of the Board's authority and inability under ORS 676 to explain decisions not to discipline.

KMP 4: Best Practices (Percent of Best Practices met by the Board.)

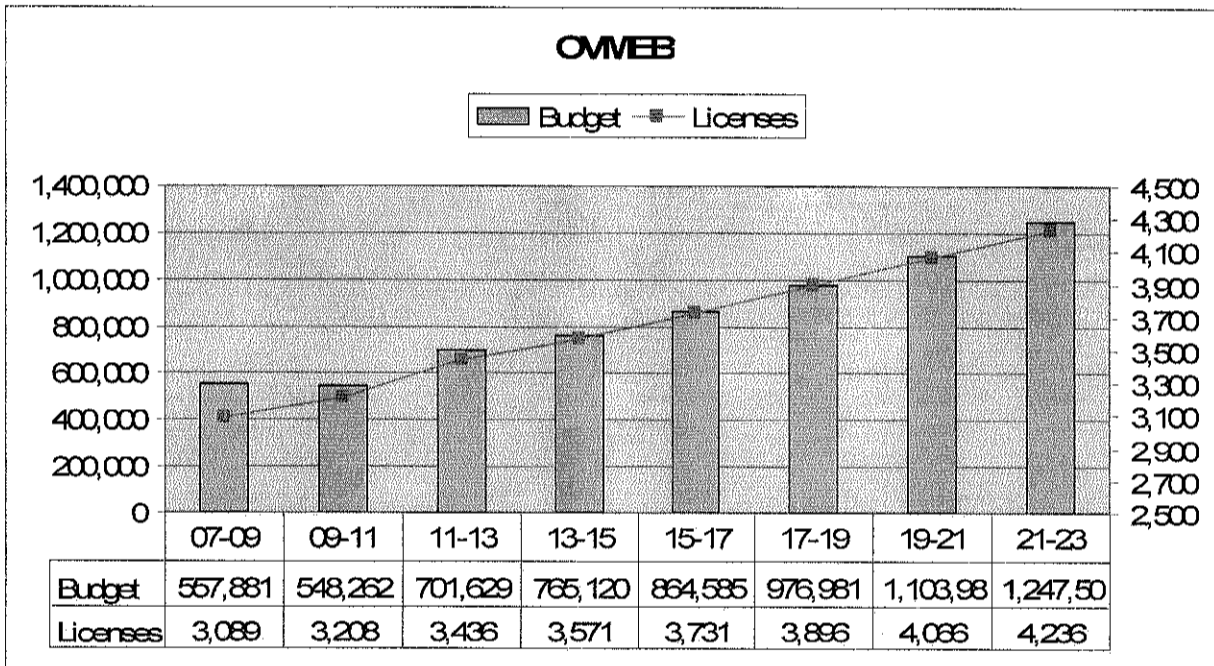
The Board is meeting its targets.

**Oregon Veterinary Medical Examining Board (OVMEB): Licensing Board**

Primary Outcome Area: Safety  
 Secondary Outcome Area: N/A  
 Program Contact: Lori Makinen: 971-673-0223

**Executive Summary**

The Veterinary Medical Examining Board licenses and regulates the practice of veterinary medicine in Oregon. The Board sets minimum practice standards for veterinarians, Certified Veterinary Technicians (CVTs), and Certified Euthanasia Technicians; ensures that licensees meet essential and Continued Education requirements; and adjudicates complaints alleging veterinary practice that falls below minimum standards. This ensures that animals in Oregon receive veterinary care that conforms to current medical standards and practices and is consistent with the best interests of the public; and that animal euthanasia in public and private shelters is conducted humanely. The administrative disciplinary process provides the public with expert review and resolution of complaints concerning veterinary care of their animals. The process is confidential and at no cost to the public.



**Program Funding Request**

The Board is proposing a 2013-15 budget of \$765,120 to continue existing services. This is a nine percent increase over the 2011-13 budget. The Board is also requesting a fee increase, which will provide revenue to fund the biennium with additional funding to implement anticipated facility regulation legislation (see program changes, below). The request raises veterinary licenses from \$100 to \$150 annually, and Certified Veterinary Technician (CVT) licenses from \$25 to \$35

annually. Fees for veterinary licenses were last raised in 1993. Fees for CVT licenses have not been raised since licensure was instituted in 1975. The increase brings Oregon's veterinary licensure fees in line with most other states in the country. The Oregon Veterinary Medical Association supports the fee increase.

**Program Description**

Licensure: The Board's licensing process ensures that only qualified individuals receive a license to provide veterinary care. The Board establishes licensure standards, confirms applicants' educational and practice credentials, conducts disciplinary and background checks as indicated, and verifies currency of Continuing Education. Licensees are given more than one renewal notice and have three grace periods with sequenced late fees. Oregon is the only state that requires an internship following graduation from veterinary school. New graduates must work for one year under varying degrees of supervision by a licensed Oregon veterinarian before they are allowed to practice autonomously. This gives the new graduate a safety net of mentorship and post-graduate 'real life' instruction, and as well protects the public from inexperienced and potentially unskilled veterinary treatment.

Education: Continuing Education is a condition of license renewal or licensure for veterinarians and CVTs moving into the state. The Board reviews and approves Continuing Education providers. The Board licenses only those applicants who have graduated from nationally accredited veterinary schools; graduates of un-accredited foreign schools must complete one of two equivalency programs, which assess and test the applicant's education and ability to ensure competency equal to that of graduates of approved programs. An exam on Oregon's Veterinary Practice Act, as well as a test on three distinctively regional diseases, are also required for licensure.

Enforcement: Most complaints about veterinary care are brought by members of the public; however, the Board may on its own initiative investigate suspected violations of the Veterinary Practice Act. Dishonorable conduct, negligence or failure to meet minimum practice standards may result in disciplinary action ranging from warnings, civil penalties, remedial education, and when warranted, license suspension or revocation. To aid licensees in meeting minimum practice standards and practice compliance, the Board provides on-call technical and medical assistance through telephone, email and in person. Further clarification of rules, statutes and policy are provided through information on the Board's website and through the newsletter. There are currently two unresolved cases (on appeal since 2008 and 2010); the other 467 cases heard in 2011 and 2012 have been resolved through negotiated settlements. Unlicensed veterinary practice, e.g., animal medical care offered by lay persons, is also to some degree subject to the Board's jurisdiction, however prosecution is initiated by a district attorney. Most unlicensed practice complaints concern modalities such as massage, chiropractic, teeth cleaning, and the like. The Board generally investigates these complaints only if harm to an animal is alleged. The following chart shows complaints and violations from the 2001-03 biennium up to the present. Only complaints that fall within the Board's jurisdiction are reflected. While the majority of complaints received concern veterinary fees, the Board does not regulate fees, so those complaints are not represented.

|            | 2001-03 | 2003-05 | 2005-07 | 2007-09 | 2009-11 | 2011-13 |
|------------|---------|---------|---------|---------|---------|---------|
| Complaints | 239     | 172     | 159     | 228     | 300     | 222     |
| Violations | 8       | 13      | 10      | 17      | 7       | 15      |

Clarifying regulations: Over the last two biennia, the Board has reviewed and updated its Minimum Veterinary Practice Standards to reflect current veterinary teaching and techniques. Oregon is now one a growing number of states that mandate analgesia for veterinary procedures that may induce pain or discomfort. Previously, it was believed that animals either do not experience pain or that pain helps animals heal. Both theories have been disproved. An animal under anesthesia for surgery may still experience pain if proper analgesia is not supplied. The Board has also expanded the range of duties that may be performed by Certified Veterinary Technicians. This helps veterinary practices see more patients and reduces client costs. Expanded CVT duties include administration of rabies vaccine, dental cleaning and extractions and microchip implantation. Wider and less expensive access to these services promotes public and animal health.

Streamlining: Over the last two biennia, the Board has eliminated two redundant application processes and repealed facility licensing for public and private agencies that perform animal euthanasia. The Jurisprudence Exam and Regional Disease Test, which must be taken and passed as a requirement of licensure, are provided online immediately to applicants.

### **Program Justification and Link to 10-Year Outcome**

Veterinary care in Oregon must be provided by qualified and competent practitioners to assure the public that pets and food animals will be examined, diagnosed and treated with consistent expertise. The Board continually reviews and updates minimum practice standards to regulate the profession in conformance with new veterinary medical research and education, improvements in technology, and public expectations.

### **Program Performance**

Board staffing levels have not changed in 15 years. Staff includes the executive director, a .75 FTE office assistant, and a .5 FTE investigator. Licenses are issued on average within one or two days of completion of the application process. Most complaints are resolved within three months of filing. Increased use of technology and elimination of redundant processes have enabled the Board to continue to provide efficient and prompt customer service without raising fees.

### **Enabling Legislation/Program Authorization**

Regulation of practitioners of veterinary medicine was instituted in 1903 under ORS Chapter 686. Since then, the OVMEB recognized animal health technicians (Certified Veterinary Technicians) as a licensed profession. In the early 80s, the citizens of Oregon demanded animal euthanasia reform, and the OVMEB has since required specific training and certification for non-veterinarians who perform animal euthanasia in public and private animal shelters.

### **Funding**

The Veterinary Board is supported solely through Other Funds, i.e., no tax dollars are used. Veterinary annual license fees were raised from \$50 to \$100 in 1993, and have not increased since. Annual license fees for Certified Veterinary Technicians and Certified Euthanasia Technicians are \$25. Licensure and examination fees account for 97 percent of the Board's revenue.

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### **Significant Proposed Program Changes for 2011-13**

With full support from the Board, the Oregon Veterinary Medical Association (OVMA) is proposing legislation for the 2013-15 biennium that will give the Board authority to regulate veterinary facilities. The Board's proposed fee increase will fund start-up of the new program. OVMA's concept will include facility license fees to maintain the program.

Facility regulation is necessary for two reasons:

Currently, the Board has disciplinary authority only over individual licensees. The Board has no authority to require correction of non-compliant or unsafe conditions in facilities that are owned by national corporations or entities such as non-profit shelters. Licensees working in such facilities may have no control over policies and conditions. Facility licensure and regulation will give the Board the ability to compel compliance with minimum standards without adversely affecting individual veterinary employees' records where such employees are not responsible for sub-standard conditions.

More importantly, ensuring basic minimum standards of safety and cleanliness in veterinary facilities is vital in preventing disease outbreaks. Zoonotic diseases are those that are transmitted from animals to humans. Seventy-five percent of all emerging infections are zoonotic. Animals carry bacteria and parasites that can potentially contaminate other animal patients, staff, and clients, and spread to the public with especially high risk for children and immune-compromised individuals. Human hospitals are routinely inspected and must remain compliant with minimum health and safety standards. Oregon is one of the few states that does not require veterinary facility regulation. With approval of its proposed fee increase and establishment of regulatory authority, the Board can ensure that Oregon's veterinary facilities meet and maintain standards that promote safety and cleanliness and prevent transmission of disease.

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