



Oregon

Veterinary Medical Examining Board

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Joint Ways & Means Subcommittee on Education

Sen. Rod Monroe, Co-Chair; Rep. Betty Komp, Co-Chair

Rep. John Huffman, Sen. Arnie Roblan, Rep. Barbara Smith-Warner

Rep. Sherrie Sprenger, Rep. Kathleen Taylor, Sen. Chuck Thomsen

Dear Co-Chairs and Members:

I am Lori Makinen, executive director of the Oregon Veterinary Board. With me is our Chair, Dr. Robert Lester, who was appointed to the Board in October 2007. Dr. Lester is the former vice-president for professional relationships with Banfield, the Pet Hospital and was the 2011-13 Oregon delegate to the American Association of Veterinary State Boards. He currently serves as Assistant Dean of Clinical Relations at Lincoln Memorial Veterinary College in Harrogate, Tennessee, and is on the AVMA Council on Education. Dr. Lester is a graduate of OSU College of Veterinary Medicine and owned his own veterinary practice for many years. Public Member Mr. Mark Reed is at the end of his second term and has served as Chair and Co-Chair. Mr. Reed is the director of public programs at the World Forestry Center. He and his wife have a farm in Beaver Creek and his hobby is restoring carousel horses and pipe organs.

- ▶ 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 reviewing, revising and 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 pursuant to ORS 676.
- ▶ Current licensees: 2,170 veterinarians, 1,149 certified veterinary technicians, and 129 Certified Euthanasia Technicians.

Licensee Count Over Last Three Biennia		
	Veterinarians	Certified Vet Techs
09-11	2,044	1,078
11-13	2,090	1,115
13-15	2,170	1,149

► **Current Rule Activities:**

1. The Board has reviewed and updated all but two sections of OAR 875. Review of rules for dentistry and discipline are on the Board's February 28th meeting agenda.

2. The Board has voted to implement criminal background checks for certain applicants under authority of ORS 685.195. Further consideration is needed before rule adoption, i.e., review of LEDs to be run on all current renewals in April, and results of pending legislation that may streamline and standardize this process for all state agencies.

► Complaint review and resolution constitute the majority of workload for staff and board members. The Board's 1FTE investigator reviews all complaints. Complaints found to be within the Board's jurisdiction are referred to a preview committee or the full Board. An assistant attorney general advises the Board on complaint resolution.

► Since July 2013 the Board has reviewed 88 valid complaints and resolved 47 cases with 18 resulting in discipline. An average of 10 complaints are reviewed at each meeting, including investigative interviews. Average complaint resolution time is 75 days, which is slightly longer than last biennium. The Board assessed a total amount of \$14,425 in civil penalties. Three complaints resulted in facility inspections which revealed minor issues that were resolved without discipline. A current case involves a client complaint about a clinic conditions may result in an inspection. The client saw non-public clinic spaces after her cat escaped its kennel and ran through the facility, ending up in the ceiling through an exposed panel. (The Board continues to work with a veterinarian to effect improvements after his facility failed to meet minimum standards in 2011.)

Licensees were disciplined for:

- Failure to use adequate pain management.
- Failure to use proper diagnostic/treatment/scope procedures.
- Failure to maintain sufficient patient medical records.
- Failure to provide clients with copies of patient medical records.
- Continuing to practice on an expired license.
- Rough handling of patients without good cause.
- Self-prescribing controlled drugs/other substance abuse.
(Six licensees cited, two completed rehab, four on probation.)

Period	Complaints Reviewed	# of Notices	Fines	Av. Cost Per Case	Total Admin. Cost
13-15	+/-500	18	\$14,425	N/A	N/A
11-13	500 ¹	17	\$15,455	N/A	\$129,776 ²
09-11	300	13	\$103,000	\$180	\$37,373
07-09	228	17	\$12,400	\$240	N/A

¹ As of Feb. 2013. Increase due in part to change in documenting staff-received/resolved complaints.

² Resources expended securing license surrender and non-reapplication.

Program Priorities and Goals and Improvements

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

The Board periodically renews its delegation authority to staff to make jurisdictional determinations, i.e., deciding whether or not a complaint falls under the Board's disciplinary purview. Further, the Board has restored the preview process, in which staff refers certain complaints to a rotating committee that determines whether the matter needs full board review. The Board monitors 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. Despite staff efforts to courteously explain the legal restrictions, many consumers conclude that the Board protects veterinarians rather than the public. Continued effort will be made to assure individuals that the Board does indeed make rules for public protection and disciplines veterinarians when appropriate and warranted.

- ▶ Improve data gathering and retrieval.

The Board is in the midst of an upgrade to its database to provide more flexibility for staff use and less reliance on an IT contractor.

- ▶ Provide technical assistance to licensees.

The Board has added website links for licensees' access to increased educational opportunities through approved online technology programs, current DEA requirements concerning compounded drugs, and information about risks of pet exposure to marijuana products. Small agency structure ensures that callers speak to a person immediately or within hours.

- ▶ Rule changes that improved public protection.

The Board voted to adopt rules requiring criminal background checks for certain licensees, i.e., those who have resided in Oregon less than five years. This is expected to affect an average of 75 licensees per year with an increased application cost of approximately \$50. The Board will conduct LED checks for renewing licensees to assess its current self-reporting process. If the LED results warrant it, criminal background checks may be considered for a wider range of applicants. The Board is awaiting the outcome of several pending legislative bills that offer streamlined, standardized and lower cost options for background checks.

- ▶ Cost containment and resource-sharing.

The Board shares space and office equipment with six other boards in the Portland State Office Building. Sharing of information, including attorney advice that pertains to statutes affecting all HPRBs, also saves resources.

► Legislation

The Board has proposed two bills for 2015-17.

HB 2474

Problem: Current rules allow only an Oregon-licensed veterinarian to own a veterinary practice. The rule is not enforceable against practices held by out-of-state corporations or non-profit boards. It prevents non-veterinarian associates or family members from participating in practice ownership.

Solution: Facility registration with an Oregon-licensed veterinarian designated as facility manager will expand veterinary business ownership options. The Board will be able to repeal an obsolete ownership rule without loss of regulatory oversight for public health and safety.

Problem: Board rules establish minimum health and safety standards for veterinary facilities, but facility inspections are possible only in response to a complaint. Substandard facility conditions put the health of people and pets at risk. Clients rarely see more than the lobby or an exam room at a veterinary clinic. The Board usually learns about unsanitary or unsafe conditions from a clinic employee or ex-employee.

Solution: HB 2474 will allow the Board to join approximately 36 other states that register and inspect veterinary facilities. The bill will require each facility to designate an Oregon-licensed veterinarian as facility manager responsible for ensuring that minimum health and safety standards are met. The Board will be able to regularly inspect facilities, as well as continue to respond to complaints about clinic conditions.

HB 2475

Problem: Every complaint the Board resolves through settlement or hearing becomes a part of the licensee's permanent public record, including minor administrative or clerical infractions unrelated to medical conduct or patient health and safety.

Solution: HB 2475 will allow the Board to resolve minor, administrative infractions through a non-disciplinary citation, not to exceed \$100, and the matter will not become part of the licensee's public record. The licensee will retain the right to go through a public disciplinary process if desired, and the Board will retain the discretion to issue disciplinary notice depending on the nature of the violation and the licensee's history. (The Oregon Medical Board has non-disciplinary cite and fine authority.)

► 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 one 2007 case on appeal. Of 18 discipline notices issued to date in the biennium, all have been settled through stipulated agreement.

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

Below target. 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.