

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
PUBLIC HEARING
DEPARTMENT OF HEALTH PROFESSIONS
HEARING ROOM 3
HENRICO, VA
DECEMBER 2, 2015

TIME AND PLACE: The Public Hearing was called to order at 9:00 a.m. The purpose of the hearing was to receive public comment on three proposed regulatory actions. The regulatory actions included the following:

- Increase in continuing education hours for veterinary technicians;
- Use of the term specialist; and
- Elimination of the restriction on practical training only in final year of veterinary school.

PRESIDING OFFICER: Ellen G. Hillyer, DVM

STAFF PRESENT: Leslie Knachel, Executive Director
Amanda Blount, Deputy Executive Director
Terri Behr, Operations Manager
Elaine Yeatts, Senior Policy Analyst

COURT REPORTER: The Public Hearing was recorded by certified court reporter, Andrea Pegram. A copy of the transcript is attached to these minutes.

SPEAKERS: Lee Henkel
Sharon Custer-Boggess
Jennifer Daly, Ph.D.
Taryn Singleton, LVT

PUBLIC COMMENT: Ms. Singleton provided public comment on the regulatory action related to “Increase in continuing education hours for veterinary technicians.”

There was no public comment provided on the “Use of the term specialist.”

Ms. Henkel, Ms. Custer-Boggess and Dr. Daly provided public comment on the regulatory action related to “Elimination of the restriction on practical training only in the final year of veterinary school.”

ADJOURN: With no further comment received, the hearing adjourned at 9:25 a.m.

Ellen G. Hillyer, DVM, Vice President

Leslie Knachel, Executive Director

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BOARD OF VETERINARY MEDICINE

DATE: DECEMBER 2, 2015

TIME: 9:00 A.M.

PLACE: DEPARTMENT OF HEALTH PROFESSIONS
PERIMETER CENTER
9960 MAYLAND DRIVE
SECOND FLOOR
HENRICO, VIRGINIA

APPEARANCES: ELLEN HILLYER, Hearing Officer
LESLIE KNACHEL, Executive Director
ELAINE YEATTS, Sr. Policy Analyst
TERRI BEHR, Operations Manager

Andrea Pegram Court Reporting Services, L.L.C.
1114 N. Parham Road
Henrico, Virginia 23229
804.605.5891

 ORIGINAL

1 P R O C E E D I N G S

2

3 MS. HILLYER: Good morning. I am
4 Dr. Hillyer, a member of the Board of Veterinary
5 Medicine. This is a Public meeting to receive
6 comments on proposed amendments to the Regulations.

7 There are three sets of Proposed
8 Regulations for which comments will be received at
9 this hearing. We will take comment in the following
10 order: One, Increase In Hours Of Continuing
11 Education For Veterinary Technicians. Two, Use Of
12 The Term "Specialist" By Veterinarians, or
13 Veterinary Establishments. Three, Elimination Of
14 The Restriction Of Practical Training Only In The
15 Final Year Of Veterinary School.

16 The Proposed Regulations were
17 published in the November 30, 2015 *Register of*
18 *Regulations*. A copy of the Proposed Regulations may
19 be found on the table as you entered the room.

20 At this time, I will call on persons
21 who have signed up to comment. As I call your name,
22 please come forward and tell us your name and where
23 you are from.

24 First, we will receive comment on the
25 Proposal To Increase The CE Hours For Veterinary

1 Technicians.

2 Taryn Singleton.

3 MS. SINGLETON: My name is Taryn
4 Singleton and I am representing the Virginia
5 Association of Licensed Veterinary Technicians, and
6 there are over 600 members.

7 Our President in 2014 Diana Stuebing
8 initiated the petition for rule making to increase
9 the CE hours for technicians. After polling our
10 membership, they asked for us to be progressive in
11 the technician field and part of that was -- one of
12 our initiatives was to increase CE hours.

13 Virginia is a very progressive State
14 in its CE allowance. It allows CE's in many forms,
15 online, through journals, through webinars with no
16 additional cost to licensees.

17 So, I just wanted to put a name to a
18 face to let you know we are still in support of this
19 initiative, and think it's in the best interest of
20 the Public and the pets to allow technicians to have
21 AEC hours of continuing education.

22 MS. YEATTS: Taryn, when you polled
23 your membership, did you get a percentage of the
24 members who wanted an increase in their hours? Do
25 you recall what that percentage was?

1 MS. SINGLETON: It really mimicked
2 the Public comments that we received with the
3 initiation of the Petition. Then through the first
4 open-Public comment period. I want to say 70 to 80
5 percent were in favor.

6 MS. YEATTS: Because I got a lot of
7 questions from the Department of Planning and Budget
8 about the impact and concern about increase on the
9 burden on technicians.

10 We tried to make a good case that the
11 technicians themselves within many cases with
12 support from the veterinarians themselves felt it
13 was in the best interest of the Public, and because
14 of the increase complexity of practice was necessary
15 for Public safety.

16 But, I noticed that there has already
17 been comments in opposition from a few technicians.

18 MS. SINGLETON: Yes, and I think with
19 the word getting out there may be an increase.
20 Again, I think our membership and the 70 percent
21 still do support it.

22 As far as the financial impact,
23 because there is no limitation on how CE hours can
24 be accrued, you can sit in your pajamas and do them
25 online. You can have lunches at work.

1 You know, other than time, I don't
2 know of a financial impact that it would have.

3 MS. YEATTS: Thank you.

4 MS. HILLYER: Is there anyone else
5 who would like to comment on the increase on CE
6 hours for veterinary technicians?

7 Second, we will receive comment on
8 the Proposal To Restrict The Use Of The Term
9 "Specialist." I didn't have anyone sign up for
10 that. Is there anyone who would like to make a
11 comment?

12 Third, we will receive comment on the
13 Proposal To Eliminate The Restriction On Practical
14 Training in the -- To Eliminate The Restriction On
15 Practical Training In The Veterinary School.

16 First, we will hear from Lee Henkel.

17 MS. HENKEL: Do you want a copy, or
18 is that not necessary since you have a reporter?

19 MS. YEATTS: A copy would be great.
20 I'm sure you can give it to her as a matter of fact.

21 MS. HENKEL: Never having done this
22 before, I wrote these comments on the assumption I
23 was going to be speaking to the full Board. Rather
24 than trying to change it on the fly, I am just going
25 to read it the way I wrote it.

1 Over a year ago, I started a Town
2 Hall petition that you require owner consent for all
3 student practice. I remember when you reviewed that
4 Proposal, and turned it down with hardly any
5 discussion.

6 In the time since then, you have
7 continued to hear from the Public on this issue, and
8 to your credit, you have listened. The changes that
9 you have incorporated into these Regulations
10 represent a significant improvement.

11 However, I would like for you to just
12 go a littler further. What you have created in
13 requiring that here be at least a notice posted
14 where students are working, is an opt-out system.
15 This is undoubtedly the most convenient approach for
16 veterinarians.

17 If veterinarians were required to
18 host students in their practices, I could understand
19 the approach, but they are not. Students are
20 optional, and they are not what clients expect to
21 encounter in a private veterinary office. And that
22 means that an opt-out system is not acceptable; and
23 opt-in system is what is needed.

24 Let me explain by giving you a
25 hypothetical example from human medicine. For a

1 variety of reasons, I think that this scenario could
2 not happen as I am going to describe it, but it will
3 still give you the essence of why I am opposed to
4 student practice without specific owner consent.

5 Imagine that you are accompanying a
6 relative who is being admitted to a hospital. As
7 you wait with him or her in the admitting area, you
8 notice a sign that says "This hospital participates
9 in procurement programs for organ donation." And
10 you think, "that's interesting, that's probably a
11 good idea," and you give it no further thought.

12 Unfortunately, your relative dies.
13 Then you are horrified to find that organs have been
14 harvested. When you protest, a hospital
15 representative says to you, but you saw the sign in
16 the admitting area, and when you didn't say anything
17 that means you gave your consent. Would you feel
18 that you had given your consent. I think not, and I
19 don't think that any client who saw a sign in an
20 office that says "Students are working in this
21 office" would feel that they had given their consent
22 for students to participate in the care of their
23 animals.

24 People take their animals to a
25 veterinarian for professional care, not to provide

1 an educational experience for a student.

2 If a veterinarian wants to add that
3 component, then own consent -- not just
4 notification, but consent must be mandatory. Until
5 it is, I remain adamantly opposed to any expansion
6 in student practice beyond the fourth year. Thank
7 you.

8 MS. YEATTS: I just wanted to say I
9 understand your assumption that this would be the
10 full Board, but the only time we do the hearing
11 before the full Board -- We try to do that before
12 the full Board at any of our Proposed Regulations if
13 the 60 day comment period coincides with a Board
14 meeting.

15 If not, we do it as we done it today
16 with Staff and Board member presiding, and then
17 always provide the full Board gets all of the
18 comments. But, unfortunately the full Board was not
19 meeting during the 60 day period, so that's why.

20 MS. HENKEL: It's fine. I learn
21 something new every time I come to one of these
22 meetings.

23 MS. YEATTS: Thank you. I just
24 wanted to explain that.

25 MS. HILLYER: Second, we will hear

1 from Sharon Custer-Boggess.

2 MS. CUSTER-BOGGESS: Today I will
3 address the proposed change to permit preceptorships
4 before the fourth year of veterinary medical
5 education. I have been following this issue and
6 commenting on it since it first came up.

7 I have no problem in principle with
8 providing greater learning opportunities for
9 students. I have serious problems with this
10 happening without the owner's knowledge and consent.

11 At this point, while I appreciate the
12 changes you have made in response to the Public's
13 concerns, I still cannot support the expansion of
14 student practice.

15 A sign in the office does not
16 substitute for a conversation with an owner, and
17 until you require informed consent for practice by
18 students, I remain opposed to this change.

19 MS. HILLYER: Thank you.

20 Jennifer Daly.

21 MS. DALY: Good morning. My name is
22 Dr. Jennifer Daly. I'm a licensed clinical
23 psychologist and have been for 25 years. As a
24 licensed professional, I fully understand the
25 Board's desire to regulate and provide appropriate

1 protections for consumers. As a licensed
2 professional, I understand that that's my Board's
3 duty.

4 The duty of the Board is to protect
5 patients and to protect the Public. They are
6 protecting the Public and patients from harmful
7 practices, or incompetent and impaired
8 practitioners.

9 It is not the purpose of the
10 Licensing Board to eliminated burdensome
11 restrictions, to allow training institutions to
12 expand their training into unaccredited community
13 clinics. This purpose is clearly stated in the
14 general powers and duties of health regulatory
15 Boards.

16 54.1-2400. It states that it is the
17 responsibility of the Licensing Board to ensure
18 competence and integrity to engage in a regulated
19 profession. Training safe and competent medical
20 providers is the sole responsibility of an
21 accredited veterinary medicine program.

22 Now, I find it disturbing to learn
23 that our local veterinary programs feel that they
24 don't provide adequate training to their
25 practitioners.

1 I believe that it is the Board's
2 responsibility in this State to be sure that our
3 training facilities provide that adequate training.

4 Perhaps a better strategy for doing
5 that and for protecting our consumers is to develop
6 standards and Regulations that ensure that programs
7 that train veterinarians follow clear guidelines.

8 Perhaps accreditation that specifies
9 what the requirements are for training is the way to
10 go. To provide clear and specific Regulations
11 regarding supervision. To register trainees with
12 the Board to be sure that the Board is aware of who
13 is out in our community providing veterinary
14 services to our precious and beloved family member.
15 So, that we can make good choices, informed
16 decisions about the care that we receive for our
17 family members. As Ms. Henkel pointed out when we
18 step into a medical setting we are vulnerable.

19 The current change, the proposed
20 Regulation, doesn't even specify a simple oversight
21 for the trainees that would be in these settings
22 providing care.

23 Nor does the Board even conduct site
24 visits, to be sure that these training settings are
25 providing the kind of training oversight and

1 supervision that we should expect when we bring a
2 beloved family member for care.

3 Again, the Board's duty is to protect
4 patients and the Public both during and after
5 training.

6 The fact that you are not even
7 requiring a conversation about the fact that this is
8 a trainee who might be in the very first year of
9 training is unacceptable. It denies consumers their
10 basic rights to be informed.

11 It's also at odds with the American
12 Veterinarian Medicine Ethical Standards that says
13 and I quote, veterinarians will be honest in all
14 professional interactions, unquote, within that
15 relationship.

16 Allowing students to practice
17 medicine without informed consent weakens trust in
18 your profession. Informed consent should be
19 standard practice for care by all students.

20 Consumers have the right to that
21 information so that we can make decisions.

22 They should not only be informed that
23 they are being cared for, their pets, their family
24 members are being cared for by a student, but they
25 should also be informed who is the attending

1 veterinarian. How are the students supervised.
2 Then how should they contact you, the Board,
3 protector of consumers, if they are concerned about
4 the supervision, or the care they have received from
5 students.

6 This is basic in psychology.
7 Psychology trainees register with the Board. They
8 are supervised under very specific conditions, and
9 if you have a problem you can go directly to the
10 Board. You can also go to the supervisor.

11 In this case of posting in a waiting
12 area, where is the protection there. What if I have
13 a problem. How will you determine that appropriate
14 supervision is being provided. What is the
15 consequence if a first-year student harms, or kills
16 a beloved pet accidentally.

17 What will happen if, I, as a consumer
18 come to the Board with a complaint against a
19 first-year student in an unaccredited training
20 setting given that you just deregulated the process.

21 I strongly support strengthening
22 training for veterinarian students in Virginia, as
23 I'm sure you do. We should be a State that respects
24 family members beloved pets.

25 By the way I speak -- I'm from

1 Williamsburg. I speak for my neighbors who have had
2 these experiences, who are concerned about
3 veterinarian medicine in Virginia, who care about
4 their beloved family members, who are counting on
5 you as a Board to protect the profession. So, that
6 when we bring our pet to a veterinarian we can
7 expect the standard of care that we receive from our
8 physicians, and the recourse that we can receive if
9 we are unhappy with that care.

10 The Board needs to clarify
11 expectations for training prior to any deregulation.

12 The Board also needs to require
13 informed consent, so that we can have a choice about
14 whether we want our pets to participate in that
15 training, and under what conditions.

16 Then, third, this Board is tasked
17 with protecting my family members, and the family
18 members of everyone in the State of Virginia. We
19 need to be sure that we never lose sight of that
20 focus. That we stimulate strength in training in
21 our veterinary schools by setting up high standards
22 for them to meet prior to practicing in our State,
23 not lower those standards, so that they can have an
24 easier time to practicing. Thank you.

25 MS. HILLYER: Thank you.

1 Is there anyone else who would like
2 to speak?

3 I want to remind everyone that
4 written or electronic comments on a Proposed
5 Regulations may be received through January 29,
6 2016, and should be posted on the Virginia
7 Regulatory Town Hall at www.townhall.virginia.gov,
8 or directed to Leslie Knachel, Executive Director of
9 the Board, or to Elaine Yeatts, Agency Regulatory
10 Coordinator.

11 The Board will also have a transcript
12 of the comments received at this hearing. It will
13 consider all comments in the adoption of final
14 Regulations. This concludes our hearing.

15 [END OF PUBLIC HEARING.]

16 DECEMBER 2, 2015: 9:25 A.M.

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF COURT REPORTER

I, Andrea Pegram, hereby certify that I was the Court Reporter in the hearing held at the Department of Health Professions, Board of Veterinary Medicine on December 2, 2015, at the time of the Public hearing herein.

I further certify that the foregoing transcript is a true and accurate record of the hearing herein to the best of my ability.

Given under my hand this 2nd day of December, 2015.



Andrea Y. Pegram, Court Reporter