



# Oklahoma Veterinary Board Newsletter

April 2005

## Board Members:

President	Ronald W. Mollet, D.V.M.
Vice-President	Jeff L. Tidwell, D.V.M.
Secretary/Treasurer	Dwight A. Olson, D.V.M.
Member	Ross Dewbre, Esq.
Member	Dan G. Danner, D.V.M.
Member	Brian E. Renegar, D.V.M.

## Staff Members:

Executive Director	Cathy Kirkpatrick
Investigator	Dale Fullerton
Administrative Assistant	Kelly Rahill

## VETERINARY PHARMACY REVIEW

By Dr. Ron Mollet, President

**Q:** I have had a compounding pharmacy prepare potassium bromide, capsuled DES, liquid methimazole, liquid cisipride and cyclosporin to keep in stock to dispense to our patients. Is this against the law?

**A:** Yes. It makes those drugs illegally manufactured, not compounded drugs. The pharmacy is acting as a manufacturer under the guise of compounding.

**Q:** I use flavor-x to mix with some of the medicaments for dispensation to patients. Am I clearly within the law?

**A:** No. Technically this might be considered as adulterating a drug when you mix it with flavoring preparations. When you do this, you are compounding. Further, you need to know if the flavoring is approved as a drug or a device. There should also be documented stability and bio-availability information available to properly indicate the expiration date.

**Q:** I am an employee of a veterinary practice. I know of another person in the practice diverting controlled substances. Am I obligated to report this to anyone?

**A:** Yes. The DEA considers this an obligation for employees to report drug diversion to the registrant or security official of the practice. The employer shall treat this as confidential. The employer should notify the local law enforcement first.

**Q:** I have several expired drugs on my shelves. Some are only 1 month beyond the expiration date. Can I still use them?

**A:** No. Expired drugs are legally adulterated and unsafe for use. Use of outdated drugs is illegal. They should be isolated from active stock and legally disposed of.

**Q:** How long should I keep my controlled substances records?

**A:** Federal law states that you must maintain CDS records for 2 years. However, the statute of limitations under the FDA laws is 5 years. Any pending legal action should lead you to retain records past that point.

**Q:** I have the proper documentation to stock CDS's. Should I have a background check done on my employees?

**A:** Why Not? This is one of the DEA's expectations for any firm that has CDS's under its roof. If nothing else, begin this policy with new hires. If you get a "hit" on a local criminal background check, have the DEA pass judgment on them.

**Q:** A person came into my practice with an empty carton of heartworm preventative. The person was not one of my clients but I sold him a carton since it had a label on it from another veterinarian. Is this legal?

**A:** No. It is a violation of the valid veterinarian-client-patient relationship (VCPR) statutes, rules and the pharmacy act. Any medication that has federal cautionary labeling on it requires a VCPR. If you do not have a VCPR established in this case, you cannot act as a pharmacist. The OSBVME has recently done a due diligence investigation throughout the state to determine if this is a common situation in veterinary practices, feed stores, pharmacies and pet supply stores. Fifty (50) percent of the practices contacted made the mistake of selling the medication. Other than veterinary practices only one out of eighteen had the product and sold it. The OSBVME has issued to each of those practices a confidential admonishment. We thank those practices for their cooperation.

The old adage "ignorance of the law is no excuse" applies. Simply know the rules and follow the rules. If you have further questions about any of the above, please feel free to contact the OSBVME.

## OUR SINCERE THANKS!

Ronald W. Mollet, DVM will complete his second five-year term as a Board member on May 9, 2005.

The Board and staff acknowledge his commitment to the Board's mission and greatly appreciate his leadership, devotion and many contributions as a Board member. We will all miss his valuable knowledge. THANK YOU DR. RONALD MOLLET!

## RENEWALS

The renewal for a veterinarian including a faculty renewal was increased to \$175; the reactivation fee for July 1st through August 29th was increased to \$100; if the renewal is not received on or postmarked by June 30, 2005, the total cost of a renewal will be \$275.

The annual renewal fee for a veterinary technician was increased to \$45.

Please be sure that you have completed your renewal in its entirety including the mandatory continuing education section on the back of the form.

## NEW RULES AND REGULATIONS

On May 12, 2005 a new definition will be effective regarding Complementary and Alternative Therapies.

775:10-10-1. Definitions of Complementary and Alternative Therapy: Complementary and Alternative therapies, include, but are not limited to: acupuncture and related acupoint therapies; manual therapy which includes physical therapy, massage therapy, and osteopathic therapy; energy therapies which includes ultrasound, pulsating electromagnetic field (PEMF), static magnetic fields, laser, Reiki, therapeutic touch, Bowen, and shock wave therapy; integrative medicine which includes Ayurveda, aromatherapy, flower remedy therapy, holistic medicine, homeopathy, nutritional therapy, and phytotherapy; and shall be performed on animals only by a licensed veterinarian or under the direct supervision of a licensed veterinarian.

## WELCOME NEW BOARD MEMBER

Dr. Brian Renegar is the Board's newest member. He was appointed by Governor Henry and replaces Dr. Lee Denney, who resigned her position on the Board to begin a career as a House Representative for District 33.

Dr. Renegar was raised on the Eastern banks of Lake Tenkiller in Cookson Oklahoma where he attended a three-room schoolhouse through the 8<sup>th</sup> grade. He then attended Tahlequah High School and was active in FFA where he raised and showed hogs. He graduated from Northeastern State University (NSU) in 1972 and then graduated with a DVM from Oklahoma State University in 1976. After graduation, he began practicing at the Kiamichi Veterinary Hospital in McAlester. In 1978, he opened Renegar Animal Hospital located in McAlester, Oklahoma. His practice is mixed; 65% small animal and 35% large animal. He practices with his associate, Dr. Becky Williams, a 2001 OSU graduate. Dr. Renegar also owns and maintains a deluxe pet hotel, The Renegar Tail Waggin Inn.

Dr. Renegar is married to Theresa who is a second grade teacher. They have two children; a son Cory a NSU graduate and a daughter Amanda an OSU graduate and they have a five year old grandson Codie who is also a future OSU graduate. Dr. Renegar has two dogs, two cats, 12 horses and run 25 head of roping steers. In his spare time he enjoys hunting, fishing, scuba diving, golf, team roping; he also trains rope and barrel horses. He is a member of the AVMA, OVMA, the McAlester Rotary Club, and a Board member on the Pittsburg County Farm Bureau and Cattlemen's Association.

The staff looks forward to having his expertise and dedication join forces with the other members of the Board.

## DISCIPLINED DOCTORS DECEMBER 2004 – APRIL 2005

OSBVME is not responsible for the misinterpretation of any of the following summaries of disciplinary Board Orders, which may be caused by any error of miswording or by the misspelling, inclusion or exclusion of any word or words.

Dale Kosted, DVM

Violation: Pursuant to a hearing held by the Board on 11/19/04, the Board adopted the Cause for Citation on Citation Order issued by the Probable Cause Committee. Dr. Kosted violated 59 O.S. §698.14a(E)(4). Findings of Fact concluded that Dr. Kosted accepted a dog for euthanasia, his contract with owner was to perform services within a reasonable time frame, and the services were not performed within a reasonable time frame. Owner was not notified, or given any communication that the dog had not been timely euthanized. Subsequently on 3/4/05, Board affirmed the Final Order issued on 11/19/04.

Board Action: Citation Order is affirmed; Issued a public censure; assessed a fine of \$250.00.

Deborah Wysocki, DVM

Violation: The Board finds that Respondent has violated 59 O.S. §698.14a(E)(7) and 59 O.S. §698.14a(E)(18). A 4-year-old dachshund was presented. The presenting complaint was that the dog was unable to use the stairs and would not jump on the sofa or the bed. Dr. Wysocki performed an exploratory celiotomy. The surgery report states that the spleen was twice the normal size and trapped in omentum encircling the "gastrojejunal junction" causing strangulation and decreased blood flow to the entire intestinal tract. Respondent described a stricture resulting at the "gastrojejunal junction" at which point, Respondent performed another surgical procedure called a pyloral myotomy. After surgery, the dachshund's health declined. Upon his death, he was taken to Oklahoma State University for a necropsy. The necropsy report showed diagnoses of bile peritonitis and intervertebral disk disease.

Board Action: Suspended for two calendar weeks; ordered to work as a Supervised Doctor of Veterinary Medicine in her practice for 30 days immediately following two-week suspension; probation for a period of two years; pay a \$50 per month probation fee each month that she is on probation; within 6 months must take and pass the species specific National Board Examination on small animals and pay all costs associated with the exam; assessed an administrative penalty in the amount of \$5,000 and \$8,300 as the costs expended by the Board both payable in full within 30 days; pay \$2,170 to client for restitution within 30 days; must complete an additional 40 hours of CE per year for each of the two years her license is on probation.

## LICENSED AND CERTIFIED

DVM	1725
SDVM	4
EMERITUS	83
FACULTY	30
RVT	198
CAET	19