



Oklahoma Veterinary Board Newsletter

April 2010

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PRESIDENT'S LETTER

By Jim P. Lee, DVM

The past few months have been very eventful with all the legislative issues surrounding HB 3202, and at the time I write this article, it has passed the House and Senate and is going to the Governors office to either be signed into law or vetoed. Dr. Billy Clay has written an excellent article regarding the effects that HB 3202 will have in the state of Oklahoma, and his article is included in the newsletter. It is clear, concise, and succinctly identifies some problem areas of HB 3202. I encourage all veterinarians to read it!

I would like to address two topics. First, as veterinarians, we have ultimate control in regards to whether or not to dispense, the amount to dispense, and to whom you release the medication for transport and/or administration. If you do not feel comfortable with a request for regulated drugs, or the individual to whom these drugs are released, you are not obligated to fill that request. But with that control comes responsibility – if drugs you dispense to a non licensed individual are diverted into illegal channels, you have some degree of culpability, and in certain circumstances, you could be found negligent. We are the professionals, and we must conduct ourselves in a manner consistent with our education and our ethical obligations.

Second, I want to thank all the individual veterinarians and veterinary groups that worked so hard to defeat HB 3202 and educate the public on the dangers of an uneducated workforce having access to federal legend drugs and practicing without regulation in regards to animal husbandry. The veterinary community has several members who have a great understanding of the legislative process and were very helpful during this legislative session. The various veterinary organizations (OSBVME/OVMA/OVTA) should always seek their counsel when dealing with the legislature. When we all work together, we can have quite a formidable presence.

Various OSBVME members will be presenting at OVMA make up conferences on April 24th and at OSU/OVMA summer seminar on June 4th and 5th. We will be giving legislative updates at that time.

As always, all of us at the Board wish you and yours the very best!

RENEWAL HIGHLIGHTS

- **ADDRESS INFO:** List home and employment information then check one box to indicate which address is to be used for correspondence.
- **QUESTIONS PAGE 1:** All four of these questions must be answered.
- **MANDATORY REVIEW OF CDS LAWS (CE):** Reviewing the OK Veterinary Practice Act or any CDS laws.
- **SIGNATURE:** Before returning the form, please be sure you have signed and dated it.
- **Send it immediately! If you do not have your renewal to us by June 30th, the cost will be \$500 to reactive it.** If received after 8/29, the cost is \$625.

PROBLEMS WITH PASSAGE OF HOUSE BILL 3202

By Billy Clay MS, DVM, DABVT

Anyone may perform (for hire) any act on an animal as long as they can identify it as animal husbandry.

The dictionary definition of animal husbandry is: the care and breeding of domestic animals such as cattle, sheep, goats, pigs and horses. Breeding is further defined as the application of genetic principles to improve desirable qualities. In the broadest sense: Embryo manipulation and transfer would fall under this definition and involves procedures that cannot be accomplished without the use of several prescription labeled products. Likewise, pregnancy diagnosis using ultrasound methods is defined in acts that veterinarians and their trained and licensed technicians may and should perform.

This law allows “tooth floaters” to determine if prescription drugs are necessary for them to perform their procedures and gives them the right to possess and administer them if they can obtain them from a licensed veterinarian.

The people in question have obtained the drugs from out-of-state sources and other illicit channels in the past. There is no enforcement oversight to verify that they obtain the drugs as the law states. This lowers the standards for the possession and handling of prescription drugs allowing for greater opportunity to enter “street use” avenues. Any complaints are to be forwarded away from the certifying body (OSBVME) to an agency that does not deal in illegal drug use nor the practice of veterinary procedures. This will give those “tooth floater” and “animal husbandry” practitioners who do not wish to follow the law further opportunity to avoid any penalty— the “tooth floater” can expect to

2010 UPCOMING DATES

June 30th Renewals Due

May 14th 4:00pm Board meeting at Board office

July 16th 4:00pm Board meeting at Board office

Sept 10th 4:00pm Board meeting at Board office

HOUSE BILL 3032 – continued

continue to be certified (if they choose to be certified) by the OSBVME according to the mandate of the law.

The law states that the OSBVME shall annually certify “tooth floaters” who apply providing they have completed 80 contact hours of initial training with 4 hours of continuing education each year. The law does not require that those who wish to perform non-veterinary equine dental care procedures to become certified—therefore it is voluntary. The law identifies the out-of-state schools where qualifications for certification may be obtained. The Board is obligated to accept those schools or equivalent training and must provide certification. None of the schools identified are accredited by any educational agency. The Texas school identified shows in their requirements for completion of the course 280 contact hours of training yet only 80 are required in this law.

This drastically lowers the standards for a certification or right to perform procedures in OK that currently require licensure after extensive education. Animal welfare and the reduction of pain and suffering is a part of the veterinarian’s and veterinary technicians’ training. Without a proper diagnosis before the application of manual procedures by untrained individuals there will be increased risk that unnecessary pain and suffering will occur. Likewise, without the knowledge of the many diseases that are transmissible and the training of aseptic techniques, serious contagious diseases may be transmitted by those lay people who will be permitted to practice on animals.

A VALID VETERINARIAN-CLIENT-PATIENT RELATIONSHIP

Recent newsletters have defined what the Board considers a valid veterinarian-patient-client relationship (VCPR) in both small animal medicine and large animal medicine. While there are differences in some parameters of a valid VCPR for small animal medicine versus large animal medicine, the basic parameters are the same: The veterinarian must have recent thorough medical knowledge of the animal(s) to make appropriate medical decisions, the veterinarian must keep readily accessible, written medical records of such knowledge, and the veterinarian must provide for some form of care in case of emergency.

What happens when a valid VCPR doesn't exist?

1. Inappropriate antibiotics are given for undiagnosed conditions.
2. Inappropriate dosages are given in unapproved locations.
3. Beef quality assurance guidelines are ignored.
4. A definitive diagnosis is never made.
5. Evidence-based medicine is not practiced.
6. An animal may go to slaughter with drug residue. (If you recall this and the human safety issue are the reason most, if not all the new antibiotics are script drugs)

If any aspect of these parameters is missing then a valid VCPR does not exist. If a veterinarian has any question about whether a valid VCPR exists, err on the side of caution and do not prescribe, or perform a thorough exam prior to prescribing. Any veterinarian prescribing medication to animals for which a valid VCPR does not exist is in violation of the Veterinary Practice Act. Violations are punishable by a confidential Letter of Concern, public Letter of Concern, fine, suspension, and/or revocation of license.

DISCIPLINARY ACTIONS November 2009 – April 2010

No Board action taken

DEFEAT DRUG IMPAIRMENT

Effective help is available. If you know someone we encourage you to get involved and if you personally have a problem, seek drug treatment assistance.

Call ExecuCare at (405) 271-2474 to arrange a confidential telephone interview with one of their doctors.

PRESCRIPTION MONITORING PROGRAM UPDATE

Oklahoma's PMP 2010 system will go live on April 5, 2010. The new system will combine both the pseudoephedrine system and the PMP into a single interface. For physicians, PMP 2010 brings many changes, including the ability to track a patient's drug history within 24 hours of having the prescription filled. Emergency room physicians will realize enormous benefits.

OBN strongly urges physicians who dispense prescription drugs to sign up and use the Prescription Monitoring Program.

Getting registered with PMP 2010:

Because it's a new system, current PMP users will have to re-register to access patient information. Following is the procedure for getting access to PMP 2010.

- Self register at www.portal.obn.ok.gov/userorganization.aspx A valid e-mail address is required for self-registration.
- For most users, entering a DEA number will populate the rest of the registration form. Please make sure that all applicable blocks are filled in. If a required field is not filled in, the registration process cannot continue. If the registration process cannot be completed, please contact (877) 627-2674.
- Once the registration form is complete, a new window will open containing the registration information. The form must be signed and FAXED to OBN at (405)524-7619
- Once the signed form is received, OBN will send the registrant's password to them via e-mail.
- With PMP 2010, prescription data will be reported every 24 hours.

INTERNET DRUG SOLICITATIONS

Occasionally, you may receive solicitations from the various internet or mail order organizations that ask you to "participate" in their program or are selling Rx items without a prescription or a valid VCPR. We are requesting that you fax a copy of this solicitation to our Board office at (405) 524-9012. Please also fax a copy to the Pharmacy Board at (405) 521-3758 and FDA at (405) 609-8741. Note at the top of your fax “Complaint” to ensure it is routed to the right department. This will also keep these agencies in the know about unscrupulous practices.

Download latest version of the
OKLAHOMA VETERINARY PRACTICE ACT
Effective 8/25/09

www.okvetboard.com