



MEMORANDUM

To: AAVSB Member Board Administrators for distribution to Board Members and Delegates to the 2013 AAVSB Annual Meeting and Conference
From: AAVSB Nominating Committee Members including Dr. Dan Danner (Chair), Dr. Joni Edwards, and Ms. Wendy Parrish
Date: August 9, 2013
Subject: 2013 Nominating Committee Report

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VMB / RVTC

The Nominating Committee would like to thank the Member Boards of California, Colorado, Florida, Kansas, Minnesota, New Jersey, New York, North Dakota, Ohio, and South Carolina that submitted nominations for the open AAVSB elected positions. All of the candidates were outstanding and we compliment them on their desire to serve.

Pursuant to the AAVSB Bylaws, the Nominating Committee submits the following slate of officers, directors, NBVME representative and Nominating Committee member for consideration. The Delegates at the 2013 AAVSB Annual Meeting & Conference will vote on the slate of candidates. Please note that nominations from the floor are also accepted. Attached is the information for the following candidates: Drs. Lawrence, Walker, Kendall, Olson, Redman and Louderback.

Slate of Candidates

To be voted on at the Delegate Assembly

Board of Directors

- President-Elect: John Lawrence, DVM from Minnesota (currently the Treasurer completing second year of a first 2-year term)
Treasurer: Frank Walker, DVM from North Dakota (currently a Director completing the first year of a first 2-year term)
Director #1*: Tom Kendall, DVM from California (currently a Director completing the second year of a first 2-year term)
Director #2*: Mark Olson, DVM from Kansas
Director #3*: Roger Redman, DVM from Ohio

* The terms for the Director #1 and #2 positions are two years. The term for the Director #3 position is one year to fulfill an unexpired term.

NBVME Representative

- Bruce Louderback, DVM from Colorado

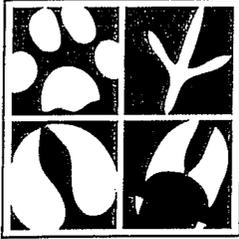
Nominating Committee

- Nicole Oria, Executive Director from Texas

Pursuant to the AAVSB Bylaws, the following members of the Board of Directors automatically move from their current positions to the ones indicated. Therefore, the Delegates will not vote on these members.

Ms. Anne Duffy (IA) Immediate Past President
Dr. Beckey Malphus (GA) President
Dr. Michael Gotchey (CO) Director

Should you have any questions or need additional information, please contact Ms. Daphne Tabbityte, staff liaison for the AAVSB Nominating Committee, at dtabbityte@aavsb.org or 1-877-698-8482 ext. 223.



Veterinary Regulation News

Volume 19, Issue 1

Kansas City -- Here YOU Come!

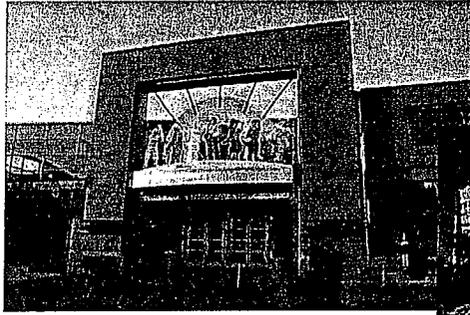
Registration information for the 2013 AAVSB Annual Meeting & Conference (including the agenda and schedule) is available on our website at aavsb.org. A registration form is enclosed in this newsletter.

Dates: September 19-21, 2013

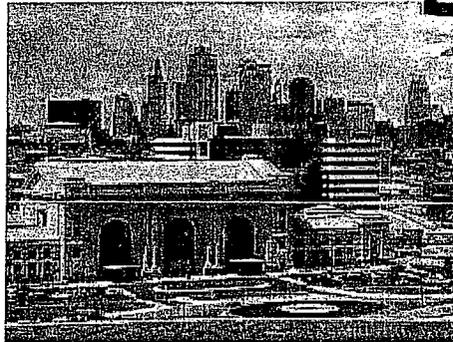
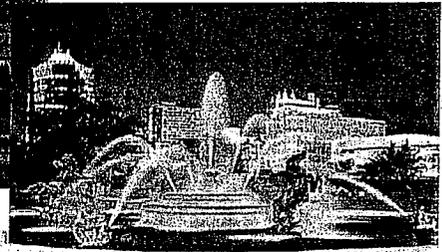
Location: Hilton President Kansas City (in the Power & Light District)

Highlights:

- ... **Pre-Conference Sessions:**
September 19 (1:00-5:30 p.m.)
- ... **Networking Event:**
September 19 (6:30-9:00 p.m.)
- ... **Delegate Roll Calls and Business Sessions:**
September 20 & 21 (morning)
- ... **Education Sessions:**
September 20 & 21 (afternoon)
- ... **Installation of Officers and Closing Networking Reception:**
September 21 (3:45 p.m.)



Some of the sights from Kansas City: American Jazz Museum, J. C. Nichols fountain on the Country Club Plaza, the nighttime skyline, and Union Station.



Test your KC trivia: Kansas City is best known for which of the four landmarks pictured above? Answer on page 7.

The 2013 AAVSB Annual Meeting & Conference is being held in the AAVSB's hometown - Kansas City, Missouri. The Annual Meeting is an important event for the Association's membership, the licensing boards in veterinary medicine, and other affiliated professionals interested in regulation and public protection. The event includes the Delegate Assembly, educational sessions, and networking opportunities over two and a half days. Attendees share and learn about relevant regulatory topics in veterinary medicine, provide input on multi-jurisdictional issues and Delegates participate in the governance of the Association. Some of the educational topics and conference tips are below.

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Conference Sessions:

- ... Unlicensed Practice
- ... Shelter Medicine
- ... Corrective Communication Skills for Veterinary Professionals
- ... Working with Legislators
- ... Board Immunity and Authority
- ... Working with Expert Witnesses
- ... Board Member Training & Legal Seminar
- ... Administrator's Forum
- ... Top Legal Cases

Other Tips:

- ... Wear comfortable shoes and dress in layers
- ... Delegates should study the Bylaws (copies available at aavsb.org)
- ... No recording of sessions with hand-held devices
- ... The weather is usually sunny with highs around 77° and lows averaging 58°



The Legal Corner *with Dale Atkinson*

No Payroll Withholdings Leads to Licensure Withholdings



Mr. Dale Atkinson
Atkinson & Atkinson
1466 Techy Road
Northbrook, IL 60062
1-847-714-0070
dale@atkinsonfirm.com

Let's begin this newsletter article with a few significant quotes from a recent judicial opinion. "...[I]t appears settled that an agency need not exercise its discretion identically in every case and that a penalty within statutory authority is not unwarranted simply because it is more severe than sanctions imposed in other cases." (Citing a previous South Carolina case). "Because tax evasion includes intent to deceive the United States and to avoid a societal duty, it is a crime of moral turpitude." The regulatory community is experiencing more complex fact issues regarding applicants and licensees and, thus, the boards are facing increased scrutiny and legal analysis of decisions. Indeed, the actions of licensees arguably not "related" to practice may form the basis for administrative discipline. Of course, veterinary boards must be granted the authority to take adverse actions against persons found to have violated the practice act. Such authority is statutorily granted by creating and empowering the board through the legislative enactment of the practice act. In addition, the scope of board authority identifying the grounds for discipline are essential to empowering the agency to act when necessary to protect the consuming public. Consider the following:

A veterinarian (Licensee) practiced veterinary medicine in Myrtle Beach South Carolina. Between the years 1997 and 2000, the Licensee failed to remit to the Internal Revenue Department payroll taxes related to employee withholdings of employees of his veterinary medical practice. The arrearages exceeded \$66,000. The Licensee was thereafter indicted by a federal grand jury and charged with attempting to evade income tax assessment and failing to collect, account for, and remit such taxes. The Licensee eventually pled guilty to both charges and his plea was accepted by a federal district court judge.

Subsequently, the South Carolina Board of

Veterinary Medical Examiners initiated charges against the Licensee alleging the use of false documents in the practice of veterinary medicine, obtaining fees under false or deceptive circumstances, unprofessional conduct, and of having pled guilty to a felony or crime of moral turpitude. Prior to disposition of the matter, the Board also received a complaint of substandard care of a diabetic feline and such accusation was added to the charges.

The Licensee waived his right to a formal hearing and entered into a Memorandum of Agreement and Stipulations (MOA). In the MOA, the Licensee specifically agreed that he did not meet the standard of care relative to the diabetic feline, did not have adequate records, and that he pled guilty to a felony.

... the Board is empowered to consider felony convictions and crimes involving moral turpitude in determining violations of the practice act and appropriate sanctions.

The Licensee through the MOA agreed that such stipulations subjected him to sanctions by the Board. Based upon the MOA, the Board found grounds for discipline and entered a final order whereby the Licensee was fined \$638, had his license indefinitely suspended, and was subject to a public reprimand. The order also required that as a condition of reinstatement, the Licensee must complete 30 hours of continuing education including education on feline diabetes and record keeping, submit a written report of how his feline diabetes education would have changed his treatment of the feline, agree to have his clinical medical records subject to inspection, and submit an updated mental health evaluation to the Board.

The Licensee appealed the Board final order to the Administrative Law Court (ALC) arguing that the record did not support the findings, that the Board exceeded its authority in considering the felony convictions and in imposing sanctions, and that the sanctions were arbitrary and capricious. The ALC affirmed the Board order finding that the Licensee did not preserve the evidentiary objections in the MOA, that the Board appropriately considered the felony

(Continued on page 3)

No Payroll Withholdings... (cont'd from page 2)

convictions, and that sanctions were reasonable based upon the facts. The Licensee appealed the ALC affirmation to the court of appeals.

On appeal, the Licensee first argued that the ALC erred in considering the felony convictions. In rejecting this argument, the court emphasized that the practice act provides for the board to impose sanctions for one or more of the delineated grounds. As noted by the court, "convic[tion] of a felony or a crime involving moral turpitude is an individually enumerated ground to 'suspend, revoke, or restrict' a veterinarian's license." Conviction based upon tax evasion constitutes a felony and one convicted of such is a felon. Tax evasion also involves intent to deceive, thus such constitutes a crime involving moral turpitude. Accordingly, the court emphatically stated that the tax evasion convictions are both felonious and involve crimes of moral turpitude, each having independent statutory grounds for consideration in the administrative processes.

Also relevant to his criminal conviction argument, the Licensee argued that South Carolina law prohibits consideration of felony convictions unrelated to the practice. However, the court noted that the cited law only applies to applicants for licensure and not to licensees. While the Board may be prohibited from considering felony convictions unrelated to the practice of veterinary medicine in assessing initial licensure eligibility, the Board is empowered to consider felony convictions and crimes involving moral turpitude in determining violations of the practice act and appropriate sanctions. Such an interpretation, according to the court, is consistent with stated policy and the intent of the legislation. Finally, the court noted that the convictions did in fact directly relate to the Licensees' practice in the form of payroll withholdings. The court rejected the Licensee's argument and upheld the right of the Board to consider the criminal convictions in its administrative proceedings.

Next, the Licensee argued that the sanctions imposed were unlawful in that the Board lacked evidence and that the sanctions exceeded the Board's authority. The court found that the Licensee failed to preserve this lack of evidence defense at the lower proceedings and, thus, such argument is unpreserved on appeal. Regardless, the court also noted that the evidence did in fact support the sanctions imposed. The Licensee stipulated in the MOA that his actions constituted grounds for discipline. Such stipulations more than support the substantial evidence test necessary to provide a basis for the

Board findings and sanctions.

Addressing the argument that the sanctions exceeded the authority of the Board, the court again noted that the Licensee failed to propound such an argument at the lower tribunal and, thus, such defense is unpreserved. Yet again, the court noted that in spite of the failure of the Licensee to preserve the argument, even if such a position were ripe for consideration, the Board clearly had the authority to impose the sanctions contained in the final order. "Because the Board found at least a single statutorily defined ground for discipline exists, the Board had the authority to impose sanctions against the [Licensee's] veterinary medical license." As a result, all imposed sanctions are statutorily authorized.

Finally, the court held that the imposed sanctions were not arbitrary and capricious, but were well within the authority granted in the statute. In order for sanctions to be arbitrary and capricious, such must be found to be without a rational basis or based upon one's own will and not upon reasoning or exercise of judgment, or not based upon fixed rules or standards. Such factors did not exist and the court upheld the sanctions as statutorily authorized and within reason.

This opinion is an excellent example of how important stipulations can be in agreeing in principle to resolving an administrative matter. It also demonstrates how a respondent can appeal the final board order. However, in this case, the arguments were unpersuasive and the court made short order of the Licensee's arguments.

Cottingham vs. South Carolina Department of Labor, Licensing, and Regulation, South Carolina Board of Veterinary Medical Examiners, 2013 S.C. App. LEXIS 30.

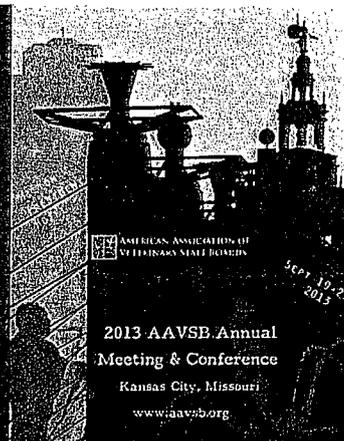
Dale Atkinson will be presenting at the 2013 AAVSB Annual Meeting & Conference during the following sessions:

Board Member Training & Legal Seminar

Thursday, September 19
1:00 p.m.

Top Legal Cases

Saturday, September 21
2:00 p.m.



AMERICAN ASSOCIATION OF
VETERINARY STATE BOARDS
2013 AAVSB Annual
Meeting & Conference
Kansas City, Missouri
www.aavsb.org

VIVA in the Spotlight

VIVA (Veterinary Information Verifying Agency) is the AAVSB's initial program launched in 1996. VIVA is a centralized database of veterinarian and veterinary technician credential information. Currently, the VIVA services include the Discipline Database, National Exam Score Transfer Service, Credential Service, and eligibility review for candidates taking the North American Veterinary Licensing Examination (NAVLE) in California.



Working with the VIVA Program entails interaction with stakeholders around the world! This includes veterinarians, veterinary technicians, the AAVSB Member Boards, educational institutions, the National Board of Veterinary Medical Examiners (NBVME), the American Veterinary Medical Association (AVMA), and non-Member jurisdictions throughout the world.

VIVA Services for Member Boards

1. Score transfers can be requested for new practitioners who are seeking licensure in your state.
2. New veterinary and veterinary technician licensee information and updates on your current licensees can be submitted individually using a MyAAVSB account or multiple updates can be submitted via a spreadsheet.
3. Final disciplinary actions can be reported through a MyAAVSB account. This is very important, as this information is shared with other jurisdictions in which these practitioners are licensed or seeking licensure and is a valuable public protection service.

VIVA Services for Practitioners

1. Veterinarians and veterinary technicians can request score transfers to other jurisdictions.
2. Veterinarians can request the credential service. This is a tremendous time-saving feature for licensees, as the VIVA staff collects license verifications, school transcripts and score reports and submits these documents to the new jurisdiction for the veterinarian. The documents are sent in the appropriate format for each regulatory board.
3. Candidates taking the NAVLE through California have the AAVSB determine their eligibility.

For more information about the VIVA Program, please contact Monika Whitmore at viva@aavsb.org or at 1-877-698-8482, ext. 231.

COMING SOON - CE Tracking!

Each regulatory board has established requirements for continuing education (CE) in veterinary medicine. As a requirement for license renewal, each licensee provides evidence satisfactory to the regulatory board of completion of the required CE during the renewal period.

The VIVA Task Force was established by the AAVSB Board of Directors to work with staff to consider expansion to the VIVA Program. One of the projects in development is for the AAVSB to maintain within the VIVA database a repository for licensees to record completed CE programs. These completed programs will be entered by the licensee via their MyAAVSB account portal and the information will be available to both licensees and the AAVSB Member Boards for tracking, reporting, and audit purposes. Stay tuned for more information!

AAVSB Program Updates



The PAVE program has undergone a major change which was announced to all Member Boards in May. The AAVSB is temporarily discontinuing the clinical skills assessment examination option; one of the program's two clinical proficiency pathways towards PAVE certification. PAVE candidates will continue to have the Evaluated Clinical Experience (ECE) option available as a clinical pathway step.

The next Qualifying Examination for PAVE candidates is scheduled for September 12, 2013.

The PAVE Committee will meet from 8:30-10:30 a.m. on Thursday, September 19 during the 2013 AAVSB Annual Meeting & Conference.

For more information on the PAVE Program, please contact Christine Foster at vettech@aavsb.org or 877-698-8482, ext. 228; or Nancy Grittman, at ngrittman@aavsb.org or 1-877-698-8482, ext. 226.



The Veterinary Technician National Exam (VNTE) scheduled for July 15 - August 15, 2013 window is the first examination to be administered with the new blueprint and reduced number of questions as approved by the AAVSB Board of Directors. Two new versions of the practice test have recently been made available.

An annual Item Writer Workshop was held April 12-14 in St. Petersburg, Florida at the St. Petersburg College of Veterinary Technology.

The VTNE Committee will hold its business meeting from 6:00-10:00 p.m. on Wednesday, September 18 during the 2013 AAVSB Annual Meeting & Conference.

For more information on the VTNE Program, please contact Christine Foster at vettech@aavsb.org or 877-698-8482, ext. 228; or Nancy Grittman, at ngrittman@aavsb.org or 1-877-698-8482, ext. 226.



The VIVA Program had a record-high month in May by processing 754 veterinary score transfers veterinarians and 59 veterinary technicians score transfers. In July, staff is working on determining NAVLE eligibility for candidates taking the NAVLE in California as the AAVSB provides this service for the California Veterinary Medical Board. The VIVA Program is highlighted in more detail on page 4 of this newsletter. Please remember, the VIVA Program has a system in place for Member Boards to report disciplinary actions and license updates.

For more information about the VIVA Program, please contact Monika Whitmore, at viva@aavsb.org or 1-877-698-8482, ext. 231.



The RACE Committee met in Kansas City in April. The primary focus of the meeting was a comprehensive review of the RACE Standards. The Committee recommended changes which were approved by the AAVSB Board of Directors and will become effective **August 15, 2013**. Notifications have been sent to all RACE Providers and the AAVSB Member Boards. The revised Standards include additional clarification to ensure that providers submit complete applications. This should lead to more efficiently in moving applications through the review process.

Some of the key changes to the RACE Standards include:

- ... Including objective statements for each session of the program submitted
- ... Explanation of the required components of a program agenda
- ... A more comprehensive participant evaluation
- ... Criteria for post-tests for online programs

In addition, two new RACE Program videos are being produced and will be uploaded to the AAVSB website. The content of the first video reviews the changes to the standards and the second video walks providers through the RACE application process. Please stay tuned for more information.

The RACE Committee will meet during the 2013 AAVSB Annual Meeting & Convention in September in Kansas City on September 18. The open session will be held from 7:00 to 10:00 p.m.

For more information about the RACE Program, please contact Jess Klein at race@aavsb.org or 1-877-698-8482, ext. 224.

Board of Directors, Committees, Task Forces

The AAVSB's integrity rests on the quality of its programs and services and in meeting the organization's overall purpose which is serving veterinary regulatory boards in the interest of public protection.

The AAVSB team includes dedicated staff and many volunteers who provide countless hours of service to the organization all working to accomplish the priorities under the three strategic focus areas, Outreach, Programs, and Organizational Health.

Following is a recap of the AAVSB Board, Committee and Task Force meetings since January.

Board of Directors – two in-person meetings and three conference call meetings.

RACE Program – one in-person meeting and six conference call meetings

VTNE Program – one in-person Pass Point Study Workshop, one in-person Item Writer and Review Workshop and two conference call meetings

PAVE Program – one conference call meeting

Finance – one in-person meeting and two conference call meetings

Conference – two conference call meetings

Bylaws & Resolutions – two conference call meetings

Nominating – two conference call meetings

CAVM Task Force – two conference call meetings

PAM Task Force – three conference call meetings

OUTREACH – Volunteers and staff also engage in outreach activities. Outreach in 2013 includes:

- ... Iowa Board of Veterinary Medicine – presentation by President, Anne Duffy regarding AAVSB Programs and Services.
- ... SAVMA Symposium – presentation by Anne Duffy on regulation, licensure, and the AAVSB to the SAVMA Delegate Assembly.
- ... Universidad Nacional Pedro Henriquez Urena and Universidad Central des Estes in the Dominican Republic – presentation by Drs. Jose Sosa and John Pascoe regarding the AAVSB and PAVE Program.
- ... NBVME – AAVSB Board Officers, Ms. Duffy and Drs. Tuzio, Malphus and Lawrence attended and provided reports at the NBVME winter and summer Board meetings.
- ... AVMA – AAVSB Board Officers, Dr. Lawrence and Ms. Duffy attended pre-convention sessions at the AVMA Convention.
- ... FARB – Ms. Kendrick attended and provided the AAVSB report at the winter and summer Board meetings of the Federation of Associations of Regulatory Boards. AAVSB is a governing member of FARB and Ms. Kendrick serves as an officer on the FARB Board.



The AAVSB Board of Directors met in January in Las Vegas.



The AAVSB Board of Directors met in June in Kansas City.



The VTNE Item Writers met in April in St. Petersburg, Florida.



The RACE Committee met in April in Kansas City.

What's New at HQ

AAVSB Welcomes New Staff Members

Vic Cook joined the AAVSB staff in April in the newly created position of Director of Program Operations and Strategic Initiatives. He oversees the organization's four key programs: VIVA, RACE, PAVE and the VTNE. Prior to joining AAVSB, Vic served as the Director of Procurement for EnerGov Solutions, LLC and as the Deputy and Acting Manager for the City of Kansas City, Missouri's Regulated Industries Division. He has an MBA with an emphasis in Organizational Development from Rockhurst University, Kansas City, Missouri. He is a resident of Kansas City and enjoys painting, aviation and bike riding with his grandchildren.

Jennifer Roeder joined the AAVSB staff as Executive Assistant in June. She has previously worked as a trainer for Nordstrom Direct. Jennifer graduated from Loras College with a Bachelor's degree in graphic design and minored in public relations. As Executive Assistant, Jennifer is responsible for general office management, accounts receivables, and supporting member services and the management team. She has recently relocated to Olathe, Kansas from Cedar Rapids, Iowa with her husband Sean and dog Mia. Jennifer enjoys making handmade cards, collecting stamps, cooking and utilizing her creative room.

MyAAVSB Account

Do you have a MyAAVSB account? Having an account will give both Administrators and Board Members of Member Boards access to exclusive members-only content, forums and also allow you to upload license updates and disciplinary final action. If you don't have an account, contact Susan Rehm, srehm@aavsb.org or call 1-877-698-8482.

Welcome New Member Board -- Saskatchewan!!

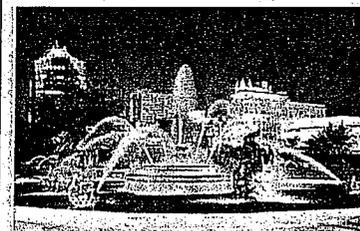
The AAVSB is pleased to welcome its newest member, the Saskatchewan Veterinary Medical Association, the regulatory board for Saskatchewan, Canada. SVMA started in 1908 and 55 veterinarians signed the register in 1909. Today, the organization has 645 members in various categories. There are approximately 140 practices, including the Western College of Veterinary Medicine in Saskatoon.



SVMA staff includes Judy Currie, DVM, Registrar; Jane Freimark and Sharon Murray. The office is located in Saskatoon. The website is www.svma.sk.ca.

The Council consists of 11 individuals: 6 elected members, 3 ex-officio, past-president and 1 public member appointed by the provincial government. There are three legislated committees: Professional Conduct, Discipline, and Practice Standards. There are 7 member services committees including: Animal Welfare, Awards, Continuing Education, Economics, Legislation, Finance and Professional Wellness. The Annual Conference alternates between Saskatoon and Regina and this year's meeting will be held in Regina on September 4-7 at the Delta Hotel.

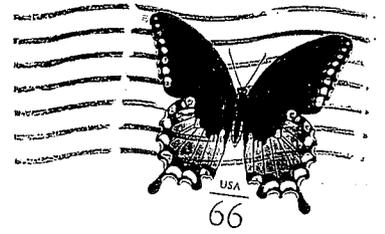
Answer to question on page 1.



Kansas City is known as the "City of Fountains" and above is a photo of the J.C. Nichols Memorial Fountain on the Country Club Plaza. It originally was in "Harbor Hill" in Roslyn, New York until 1949. It was found in a salvage yard in 1951 and transported to its present location in Kansas City and was restored. The fountain was created in Paris by sculptor Henri Gréber in 1910. Legend has it that the four cast bronze horses represent four mighty rivers of the world: the Rhine, the Seine, the Volga and the Mississippi.



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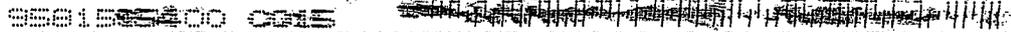


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VMS/RVTC

Veterinary Regulation News
 Newsletter of the AAVSB
 380 West 22nd Street, Suite 101
 Kansas City, MO 64108

Susan Geranen
 California Veterinary Medical Board
 2005 Evergreen Street, Suite 2250
 Sacramento, CA 95815



AAVSB MISSION

To reliably provide quality resources and accurate information for veterinary regulatory agencies and professionals and allied groups in the interest of public protection.

AAVSB VISION

To inspire active participation of all veterinary regulatory agencies in North America and to be their collective voice.

AAVSB VALUES

Responsive, resourceful service while striving for continuous quality improvement.

AAVSB Board of Directors

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