

STATE OF MISSOURI ■ DIVISION OF PROFESSIONAL REGISTRATION VETERINARY MEDICAL BOARD

SEPT. 2013

The mission of the Missouri Veterinary Medical Board is to professionally and courteously serve and protect the public by providing for licensure and regulation of doctors of veterinary medicine, veterinary technicians and veterinary facilities pursuant to Chapter 340 RSMo.

ISSUES OF CONCERN

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The Board would like to take this opportunity to clarify issues that continue to arise regarding the Board's rules and regulations.



CONTINUING EDUCATION

Our office receives many questions concerning the continuing education requirements. While reviewing the continuing education audit information, the Board noted several violations. Therefore, the Board feels the following is important to note to its licensees. All licensees are asked to certify that the required number of continuing education hours have been obtained for a specific reporting period on the renewal application. By certifying that the hours have been obtained and by signing the affidavit on the renewal, the licensee is affirming that the information is true, correct and complete to the best of their knowledge and belief. If a licensee knowingly certifies that the hours have been received and falsifies the renewal application, disciplinary action can be taken against their license.

The continuing education reporting period begins each year on December 1 and ends November 30 of the following year. Continuing education hours earned after November 30 shall apply to the next reporting cycle. Licensees should make certain that the continuing education courses attended have been approved by the Board. Several

veterinarians have attended continuing education courses not approved by the Board or by the organizations listed as pre-approved. Therefore, the hours submitted could not be used to satisfy the continuing education requirements.

All licensees should review and be familiar with 20 CSR 2270-4.042 Minimum Standards for Continuing Education for Veterinarians. 20 CSR 2270-4.042 (8) provides the following list of organizations that are automatically approved by the Board: (A) American Veterinary Medical Association; (B) Specialty groups of the American Veterinary Medical Association; (C) Regional meetings such as Central Veterinary Conference and Western Veterinary Conference; (D) Any state or province veterinary medical association;

ISSUES OF CONCERN CONTINUED...

(E) Any local or regional veterinary medical association affiliated with a state veterinary medical association; (F) The American Animal Hospital Association; (G) American veterinary schools accredited by the American Veterinary Medical Association that are open to all licensees; (H) Any state veterinary academy; (I) American Association of Veterinary State Boards (AAVSB) or its successor-Registry of Approved Continuing Education (RACE); (J) Missouri State Veterinarian; and (k) Other programs receiving prior approval from this board. If an organization which is not mentioned wishes to sponsor a continuing education course, the organization must submit the program schedule and outline to the board not fewer than thirty (30) days prior to the date of the program. The outline must include the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. The board will review the schedule and outline to determine if approval will be granted. The board will not consider requests for approval of any program submitted after it has already been presented.

Also, please make certain that you obtain a certificate of completion from the sponsoring organization. The certificate of completion must be submitted to the board if you are selected in the random audit and must contain the title of the course taken, date, location, course sponsor, number of hours earned, etc. These records must be maintained for two (2) previous reporting periods in addition to the current reporting period. If carry over hours are used, licensees must be able to provide the records that reflect the hours used for the previous and current reporting period. There are times that the Board has requested certificates for multiple reporting periods due to carry over hours.

The Board would also like to explain the continuing education audit process to its licensees. The Division of Professional Registration's information technology section identifies the list of

licensees that will be audited based upon 10% of veterinarians, 10% of veterinary technicians and includes all licensees that have not been audited in the last two renewal cycles. All veterinarians and veterinary technicians on probation and all board members are audited as well.

If a licensee receives an audit notice from the Board, the licensee is strongly encouraged to respond with the information requested or provide a written explanation as to why the licensee is unable to comply with the request. A request or notification to the Board regarding difficulty in completing the audit requirements needs to be sent to the Board prior to the deadline for submitting the documentation. Failure to respond to an audit request can result in being requested to appear before the Board or disciplinary action may be taken against the license for failure to comply with the continuing education requirements.

Many violations noted by the Board are violations that could have been prevented if the time was taken to review the minimum standards for continuing education. Therefore, please ensure that all continuing education courses you attend are pre-approved courses or approved directly by the Board prior to your attendance. For example, many licensees have submitted courses sponsored by the USDA and assume these courses are automatically approved; however, these courses are not pre-approved courses and must be approved by the Board 30 days prior to the course date. Please ensure you are in compliance with the rules and regulations and that the courses you attend meet the requirements as outlined in 20 CSR 2270-4.042(8).

If you have any questions regarding continuing education or licensure issues please do not hesitate to [contact](#) our office.



COMPLAINTS & DISCIPLINE

To file a complaint with the Board a complaint form must be completed and returned to the Missouri Veterinary Medical Board. This complaint form can be obtained by downloading the form from our website at www.pr.mo.gov/veterinarian.asp or by calling the office at (573) 751-0031.

All complaints must be submitted in writing on an official complaint form and must fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. A complaint may be based upon personal knowledge or beliefs based on information received from other sources.

Once a complaint is received it is logged as a complaint, the licensee is notified that a complaint has been filed and is furnished a copy of the complaint. Upon receipt of the response to the allegations from the licensee the complaint and the response are reviewed at the next scheduled Board meeting. The complaint is reviewed to determine if any violations of the Practice Act and Rules have occurred or if additional information must be collected to make a determination. The Board may request an investigation or that the licensee appear at the next meeting to discuss the allegations of the complaint. When a decision has been made by the Board both the licensee and the complainant are notified in writing of the decision. It can take several months before any discipline can be imposed. It is very important for licensees to understand that discipline will not be imposed on the licensee without the licensee being made aware of the discipline. Complaints are not public record so the fact that a complaint has been filed will not be released by the Board unless the licensee signs a release.



DISCIPLINARY ACTIONS

The Board may pursue disciplinary action on a license for violation of the rules and/or regulations relating to veterinary medicine. Accordingly, the Board is authorized to impose any of the following disciplines on a license:

- 1) CENSURE** – A written, formal expression of disapproval. This action remains on the licensee 's record permanently.
- 2) PROBATION** – Terms and conditions placed on the license over a specific period of time, not exceed 10 years.
- 3) SUSPENSION** – Requires the licensee to discontinue practicing veterinary medicine for a period not to exceed 3 years.
- 4) REVOCATION** – Most serious form of discipline that involves the loss of a license and no longer being able to practice veterinary medicine. A licensee whose license is revoked must reapply for licensure and meet all current requirements for licensure.

The cause for discipline and resulting disciplinary action on a license is public information and is reported to the Disciplinary Database.



DISCIPLINED VETERINARIANS

July 1, 2011 – June 30, 2013

VIOLATION – Section 340.264.2 (14), RSMo

In December 2010, Licensee pled guilty to one charge of possession of up to 35 grams marijuana, a class A misdemeanor.

BOARD ACTION – In lieu of denial of Licensee's request to practice as a veterinary technician in Missouri, the Board issued Licensee a Probated License. Licensee's registration as a veterinary technician was placed on probation for one year.

VIOLATION – Section 340.264.2, RSMo

In February 2011, Licensee issued a prescription for Budesonide to treat a cat that was not examined and that Licensee did not otherwise have a prior veterinarian-client-patient relationship with.

BOARD ACTION – Licensee's license as a doctor of veterinary medicine was publicly censured.

VIOLATION – Section 340.264.2(7), RSMo, 20 CSR 2270-4.011(2) (E) (5), and 20 CSR 2270-4.011(2) (E) (1) and 20 CSR 2270-4.011(2) (E) (6)

In February 2011, Licensee executed a Settlement Agreement with the Board which became effective in March 2011. Per the terms of the agreement, Licensee was required to adhere to Paragraph 28, subsection vii, which states that during the discipline period, Licensee shall comply with all the provisions of Chapters 340 and 194, RSMo, and the regulations of the Board; with all applicable federal and state drugs laws, rules and regulations; with all federal and state criminal laws; and with all federal and state animal health laws including USDA standards for accredited veterinarians. In August 2011, a Board investigator inspected Licensee's clinic and discovered Licensee did not prepare or use surgical packs at the clinic. In February 2012, Licensee testified in front of the Board and admitted the following: a) Licensee does not always sterilize equipment prior to surgery; b) Licensee does not always use sterilized surgical gloves in surgery. Based on the conduct described above, failing to always use sterile surgical gloves, always sterilize instruments before surgery, and always use surgical packs, Licensee is in violation of Paragraph 28, subsection vii, of the disciplinary terms of the agreement.

BOARD ACTION – Licensee's license as a doctor of veterinary medicine was placed on probation for 5 years to run after the completion of Licensee's current probation. Also, Licensee is restricted indefinitely from performing surgeries.

VIOLATION – Section 340.254.2(2) and (14), RSMo

In December 2009, Licensee committed the crime of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana, a class C Felony, when Licensee was caught with marijuana and Percocet which Licensee was not prescribed. In June 2011, Licensee entered a plea of guilty to Possession of An Imitation Controlled Drug, a class A misdemeanor, as defined by Section 195.241, RSMo.

BOARD ACTION – Licensee's registration as a veterinary technician was placed on probation for one year.



VIOLATION – Section 324.010, RSMo

In October 2012, the Board received notification from the Missouri Department of Revenue that despite multiple notices of imminent suspension Licensee failed to file state tax returns and/or pay state tax liabilities.

BOARD ACTION – Licensee’s license as a doctor of veterinary medicine was suspended.

VIOLATION – Section 340.261.1 and 340.264.2(14), RSMo

In May 2011, Licensee submitted an application to the Board seeking registration as a veterinary technician. In reviewing Licensee’s application, the Board determined that, in 2009, the Missouri Board of Pharmacy placed Licensee on the Employment Disqualification List regarding her employment as a pharmacy technician for a period of five years, in that Licensee tested positive for amphetamines without a valid prescription in November 2008 and admitted to using marijuana.

BOARD ACTION – In lieu of denial of Licensee’s request to practice as a veterinary technician in Missouri, the Board issued Licensee a Probated License. Licensee’s registration as a veterinary technician was placed on probation for three years.

VIOLATION - Section 340.264.1 and .2(2), RSMo

In January 2012, Licensee submitted an application to the Board seeking registration as a veterinary technician. Licensee also submitted copies of court documents reflecting that in June 2006, Licensee pled guilty to the felony of theft over \$10,000 as a result of stealing Illinois State Lottery tickets with a value over \$10,000 between January and May 2006. The Court sentenced Licensee to 2 years probation and ordered Licensee to pay court and other administrative costs, and restitution in the amount of \$14,518. The court retained jurisdiction to reduce the charges to a misdemeanor if Licensee successfully completed probation. In December 2008, the Court vacated the felony conviction and entered a charge of misdemeanor theft on Licensee’s record.

BOARD ACTION - In lieu of denial of Licensee’s request to practice as a veterinary technician in Missouri, the Board issued Licensee a Probated License. Licensee’s registration as a veterinary technician was placed on probation for five years.

VIOLATION – Section 340.264.2(9), RSMo

In December 2000, Licensee and the Minnesota Board entered into an Agreement of Corrective Action which was based, in part, upon Licensee’s failure to ascertain a medical history, failure to advise the owners of their dog’s condition or side effects of drugs given, failure to maintain proper records, and inappropriate treatment. In January 2009, Licensee and the Minnesota Board entered into another Agreement for Corrective Action which based, in part, upon Licensee’s sale of services and products that were not medically necessary, Licensee’s inappropriate prescription of medications, and the improper diagnosis, treatment and recommendations. In April 2012, Licensee entered into a Stipulation and Order with the Minnesota Board agreeing to place Licensee’s license under conditional and limited disciplinary action. Licensee engaged in fraud, deception, or incompetence in the practice of veterinary medicine, including any departure from or failure to conform to the minimum standards of acceptable and prevailing practice without actual injury having to be established and engaging in unprofessional conduct. The allegations contained in the Minnesota Stipulation and Order are violations for which the Board can discipline



Licensee's Missouri license. Licensee has also been disciplined by the Iowa Board for failure to report the final disciplinary action in Minnesota to the Iowa Board.

BOARD ACTION - Licensee's license as a doctor of veterinary medicine was publicly censured.

VIOLATION - Section 324.010, RSMo

In May 2013, the Board received notification from the Missouri Department of Revenue that despite multiple notices of imminent suspension Licensee failed to file state tax returns and/or pay state tax liabilities.

BOARD ACTION - Licensee's license as a doctor of veterinary medicine was suspended.

VIOLATION - Section 340.254.2(1), (2), (4), (5), (6), (7), (14), (21) and (24), RSMo

In July 2012, the Bureau of Narcotics and Dangerous Drugs (BNDD) determined after investigation that Licensee and Licensee's clinic committed violations of the controlled substance laws: 1) Licensee administered controlled substances to Licensee's self in the absence of a medical emergency; 2) Licensee dispensed controlled substances in the absence of good faith and in a manner not authorized by law and outside the scope of veterinary medicine; 3) Licensee was in illegal possession of controlled substances; 4) Licensee failed to maintain complete controlled substance receipt records; 5) Licensee failed to maintain an annual inventory of controlled substances; 6) Licensee failed to maintain a complete controlled substance dispensing/administration log; 7) Licensee failed to maintain complete and current controlled substance records; and 8) Licensee failed to provide adequate controls to prevent and detect the diversion of controlled substances. Also, in February 2013, Licensee entered a plea of guilty to assault in the third degree, a class C misdemeanor. Licensee knowingly caused physical conduct with an employee, knowing that such person would regard such conduct as offensive or provocative.

BOARD ACTION - Licensee's license as a doctor of veterinary medicine was placed on probation for 5 years. Licensee must provide quarterly reports from the physician regarding the status of Licensee's medical and pain management.

DISCIPLINARY ACTIONS (SINCE JULY 2011)

FY12	Probation	2	Probation	4
	Complaints	45	Complaints	39
	Censured	1	Censured	1
			Suspensions	2



IMPORTANT INFORMATION CONCERNING MEDICAL RECORDS

It is extremely important that licensees review the Minimum Standards for Medical Records and the Rules of Professional Conduct. The Board rules specifically outline what is required for a veterinarian to be in compliance with the minimum standards for medical records and the rules of professional conduct. There have been several instances that the Board has requested medical records on a case and upon receipt of the information determine that the veterinarian is not in compliance with the minimum standards. In the past, licensees have been disciplined for the failure to meet the Minimum Standards for Medical Records and the failure to obtain anesthesia or surgical consent forms.



Many violations noted by the board are violations that could have been prevented if the time was taken to review the minimum requirements and to make certain that the medical records are completed in accordance with 20 CSR 2270-4.041 and 20 CSR 2270-6.011. When the practice of veterinary medicine is conducted, medical records are required for both large and small animals.

It is also important to remember that if a complaint is filed against your license and the medical records are not in compliance your license may be subject to discipline. Therefore, please ensure that any and all contact you have with the patient has been recorded in the medical records.

20 CSR 2270-4.041 Minimum Standards for Medical Records states:

(1) Every veterinarian performing any act requiring a license pursuant to the provisions of 340.200(28), RSMo upon any animal or group of animals shall prepare a legible, written, individual (or group) animal and client record concerning the animal(s) which shall contain the requirements listed here. The medical record will provide documentation that an adequate physical examination was performed.

- (A) Name, address and telephone number of animal's owner or agent.
- (B) Name or identity, or both, of the animal(s), including age, sex, breed, weight and color, where appropriate.
- (C) A brief history.
- (D) Notations of the physical examination.
- (E) Treatments or intended treatment plans, or both, including medications, amounts administered, dispensed or prescribed and frequency of use.



IMPORTANT INFORMATION CONCERNING MEDICAL RECORDS CONTINUED...

- (F) A diagnosis or tentative diagnosis.
- (G) When pertinent, a prognosis.
- (H) Progress notes and disposition of the case.
- (I) Dates (beginning and ending) of custody of the animal with daily notations.
- (J) In the case of vaccination clinics, a certificate including the information required by subsections (1) (A) and (B) may serve as the medical record.
- (K) The veterinarian who created the record.
- (L) Name of the veterinarian who orders any radiographs.

(2) Record and Radiograph Storage. All records shall be maintained for a minimum of five (5) years after the last visit and all radiographs shall be maintained for a minimum of five (5) years from the date the radiograph was taken. Copies of records will be made available within a reasonable period of time upon the request of another treating veterinarian who has the authorization of the owner of the animal to which it pertains or directly to the owner. Documented proof of transfers of radiographs will be verifiable.

(3) Computer Records. Computer records are acceptable medical records so long as the security of the computer is maintained. If computer records are used by a veterinarian, a daily and cumulative monthly back-up on a separate disk shall be made. The board strongly recommends that the information required in section (1) of this rule be maintained on hard copy.

If you have any questions, regarding the medical records or the rules of professional conduct, please do not hesitate to contact our office.

NEW MEMBER APPOINTED



Michael Pfander, DVM, Springfield, MO, has been appointed by Governor Jay Nixon to serve as a member of the Missouri Veterinary Medical Board.

Dr. Pfander's appointment went into effect on May 3, 2012. He replaced Charles Barry, DVM. Dr. Pfander received his Doctorate of Veterinary

Medicine from the University of Missouri, College of Veterinary Medicine in 1982. Dr. Pfander is a small animal veterinary practitioner with Cottage Veterinary Hospital.

Please join the Board in welcoming Dr. Pfander to the Board.



THINGS TO KNOW

ADDRESS CHANGE – All licensees are required to notify the Board within 30 days of an address change. The notification must be submitted in writing to the Missouri Veterinary Medical Board, PO Box 633, Jefferson City, Missouri 65102, by fax to (573) 526-3856 or by e-mail to vets@pr.mo.gov.

IMPORTANT: Please keep the Board informed of your current e-mail address. You can add or change your e-mail in writing as mentioned above.

NAME CHANGE – All licensees are required to notify the Board within 60 days of a name change. The notification must be submitted in writing to the Missouri Veterinary Medical Board and contain a copy of the appropriate document indicating the change. A \$15.00 name change fee made payable to the Missouri Veterinary Medical Board must accompany the letter. The current license/registration must be returned which bears the former name.

DUPLICATE LICENSE – Licensees can be issued a duplicate annual renewal license by submitting a written request for a duplicate license to the Missouri Veterinary Medical Board, or by fax or e-mail.

WALL-HANGING LICENSE – Licensees can request a duplicate wall-hanging license by submitting a written request

for a duplicate wall-hanging license to the Missouri Veterinary Medical Board. A \$15.00 fee made payable to the Missouri Veterinary Medical Board must accompany the letter.

LICENSURE VERIFICATION TO ANOTHER STATE – Licensees must submit the required verification/certification form from the state in which licensure is being requested or a written request directly from licensee that a letter of good standing be sent to the state. The request must be submitted in writing to the Missouri Veterinary Medical Board, or by fax or e-mail.

RENEWALS – Renewals are mailed to all current licensees on or around September 1 of each year. Renewals are mailed to the most current address on file with the Board. The renewal license is valid for 1 year and expires on November 30th of each year. Licensees are required to obtain continuing education each year. The reporting period begins on December 1st and ends on November 30th of the following year.

FACILITY RENEWALS – Renewals are mailed to all current facilities on or around January 1 of each year. Renewals are mailed to the address on file with the Board. Facility permits shall be renewed annually on or before the expiration date of March 31st of each year.

BOARD MEMBERS



David Gourley, DVM
Mountain Grove, MO
Chair



Carol Ryan, DVM
Wentzville, MO
Vice-Chair



Linda Hickam, DVM
Thompson, MO
Ex-Officio Member



Michael Pfander, DVM
Springfield, MO
Member



Owen Smith
Buffalo, MO
Public Member

EMPLOYMENT CHANGES

If you are currently working in Missouri, you are required to notify our office of the name of the veterinary facility you are employed by.

If you change employment and are working for another veterinarian and not responsible for completing an [application/self-inspection form](#), if you have moved out of state or do some other type of practice, you are responsible for updating our office with your current employment information.



VETERINARY FACILITY SELF-INSPECTION REQUIREMENTS

The Board frequently receives questions from licensees regarding veterinary facilities and the requirements to obtain a permit. The veterinarian-in-charge of each veterinary facility is responsible for completing the self-inspection form. The purpose of the self-inspection form is to verify that all veterinary facilities comply with the minimum standards which are outlined in 20 CSR 2270-4.011. The Board currently defines the minimum standards for the following: (1) Veterinary Hospitals or Clinics; (2) Central Hospitals; (3) Satellite or Out-Patient Clinics; (4) Mobile Small Animal Clinic; (5) Large Animal Clinic; and (6) Specialty Facilities.

All permitted facilities where veterinary medicine is being practiced must conform to the minimum standards specified for the different types of facilities. The minimum standards outlined in 20 CSR 2270-4.011 are the minimum requirements that a facility must obtain in order to be permitted as a facility in the State of Missouri. Therefore, for example, even if a veterinarian does not intend to transport animals as a part of their Mobile Small Animal Clinic, it is still a minimum requirement that the veterinarian has a separate compartment to transport animals. These requirements must be adhered to in order for a permit to be issued.

The Board also receives many questions on changes to the facility. If a change of ownership, location, name and/or function has occurred, the veterinarian in charge must apply for a new permit and submit all applicable fees prior to performing any veterinary services in the facility. It is also important to note that if a business entity owns the facility, a copy of the articles of incorporation, partnership agreement or business organization documents that clearly state that the licensed veterinarian is not subject to the direction of anyone not licensed to practice veterinary medicine in Missouri in making veterinary medical decisions or judgments. These documents must be submitted anytime a change has occurred to the facility.

Missouri state law requires that a business licensed by the state that engages in retail sales provide a no tax due letter from the Department of Revenue at the time of licensing. The



statement of no tax due will verify that the retail business has filed and paid all of its sales and withholding tax obligations. The Board is required to obtain the tax clearance letter prior to the original issuance and renewal of a veterinary facility permit. The veterinarian-in-charge is required to submit along with the facility permit application a copy of the statement of no tax due. The statement of no tax due shall be dated no longer than ninety days before the date of submission for application or renewal. A Compliance Statement is provided with all facility applications and the veterinarian-in-charge is required to complete the Statement along with the facility permit application. Also, when completing the permit application and/or renewal please make certain that when providing the Missouri state tax ID number that the number entered is correct, that it is the Missouri ID number and that the number is actually associated with the facility permit you are trying to get permitted or renewed.

The information contained in this article is important for licensees to understand and to make certain that they are in compliance with all the Missouri rules and regulations of the Board.



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John M. Huff, DIFP Director
Jane A. Rackers, Director

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Veterans - learn about reimbursement for your licensing examination fees.

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Notice To Applicants

Beginning July 1, 2012, Applied Measurement Professionals, Inc (AMP) will collect the Missouri State Board Exam Fee directly from the applicants for licensure in the State of Missouri. Applicants must submit the application for licensure and fee to the MVMB and the fee for the Missouri State Board Exam to AMP. Applicants for licensure by Exam must also submit an application and fee to the national organization(s). Please see the application for details.

Go to pr.mo.gov/veterinarians to view the Boards' web page. You will find information relating to the following:

- Current Board Members
- Staff Members
- Application and Complaint Forms
- BNDD Information
- Meeting and Examination Information
- Related Links
- Rules and Statutes, and much more.

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The 100 Missouri Miles Challenge

What is the 100 Missouri Miles Challenge?

In June 2013, Missouri Governor Jay Nixon launched 100 Missouri Miles Challenge, encouraging Missourians to join him in completing 100 miles of outdoor physical activity by the end of the year.

Missouri was named “Best Trails State” by American Trails, a national nonprofit organization working on behalf of the nation’s hiking, biking and riding trails.

From neighborhood greenways to backcountry hiking trails, Missouri’s nationally-recognized trails can accommodate a wide variety of activities for all ages and interests. Governor Nixon has challenged all Missourians to complete 100 miles of physical activity by the end of the year while enjoying the incredible outdoor resources found in the Show-Me State.

Whether you run, walk, bike, paddle, or roll, everyone can participate. This challenge is a great opportunity to enjoy Missouri’s outdoors, improve your health, and have fun with family and friends.

Joining the challenge is easy, either as an individual or as a group. Missourians can register and track their progress online at 100MissouriMiles.com. Find more information and helpful resources on Facebook and Twitter.



100MISSOURIMILES.COM |  



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