

**MINUTES**

**UTAH  
Veterinarian Physician Licensing Board  
MEETING**

**December 22, 2009**

**Room 475 – 4<sup>th</sup> Floor - 9:00 a.m.  
Heber Wells Building  
Salt Lake City, UT 84111**

**CONVENED:** 9:06 a.m.

**ADJOURNED:** 11:32 a.m.

**Bureau Manager:**

Clyde Ormond

**Board Secretary:**

Jacky Adams

**Board Members Present:**

Terry Shields, DVM - Chairperson  
Charles Heaton, DVM  
Vaughan Park, DVM  
Gary Peterson, DVM  
Bonnie East

**Board Members Absent:**

**Guests:**

Megan Fitzgibbon  
Doug Gordon

**DOPL Staff Present:**

Ray Walker – Regulation and Compliance Officer

**TOPICS FOR DISCUSSION**

**DECISIONS AND RECOMMENDATIONS**

**ADMINISTRATIVE BUSINESS:**

Approval of the September 17, 2009 Board Meeting minutes

Dr. Peterson seconded by Dr. Heaton made a motion to approve the September 17, 2009 Board Meeting Minutes. The motion carried unanimously.

**APPOINTMENTS:**

9:15 a.m. Fitzgibbon, Megan – Foreign Education Review

Ms. Fitzgibbon appeared for her scheduled appointment with the Board to review her application for licensure as a Veterinary Intern, as it relates to her taking of the PAVE (Program for Assessment of Veterinary Education Equivalence) examination.

It was determined that the Board had previously approved all applicants who have taken and passed the PAVE examination.

## **DISCUSSION ITEMS:**

### Dispensing of prescriptions (Legend Drugs)

Mr. Ormond explained that 58-28-102 (11) (b) defines the scope of practice for this profession, in part, as “administer or prescribe any drug...” However, it does not specify if a licensee is allowed to dispense “Legend Drugs”. Additionally 58-37 the Utah Controlled Substance Act only allows a Veterinarian to administer, prescribe, or dispense controlled substances.

A detailed discussion ensued regarding if it was legal for this profession to dispense “Legend Drugs”.

It was proposed to amend 58-28, 58-37, and 58-1 to allow this profession to administer, prescribe, and dispense all prescription drugs. The Board was advised to contact their professional Association, and the Pharmacy and Medical Boards prior to proposing a Bill to Legislature.

### Insemination

Mr. Ormond explained that Subsection 58-28-307 (10) exempts from licensure persons who are performing or teaching nonsurgical bovine artificial insemination. He then questioned if the same person could later verify if the insemination was successful.

After a brief discussion the Board explained that checking to verify if an insemination is successful is part of the “scope of practice” for this profession, and all individuals must be appropriately licensed. Additionally it was recommended for the Association to review this issue, to determine if 58-28 should be amended to clarify.

### Illegally compounded prescriptions

Mr. Ormond explained that at the June 4, 2009 Board meeting this issue was discussed. The Board had determined due to the product not being a controlled substance, this was not an issue for this Board. It was then added, if this drug is illegally being distributed, it should be investigated by the Federal Drug Enforcement Agency.

A detailed discussion ensued regarding what action could be taken to ensure all Licenses are complying with the Statutes.

Mr. Gordon explained that the FDA requires that any compounded drug must be made from an FDA approved base or active ingredient. He then added that licensure as a Veterinarian does not allow the licensee to compound or sell compounded drugs for a profit. Dr. Shields agreed adding that licensees may only sell FDA approved drugs. Mr. Ormond questioned what action the FDA is taking regarding this issue. Mr. Gordon answered “nothing” adding that the pharmaceutical companies who sell/compound this drug feel that the only entity who has jurisdiction over them is the State Licensing Boards.

It was then questioned who is responsible to ensure that drugs are appropriately approved by the FDA (i.e. the Veterinarian or the pharmaceutical company)? Mr. Walker strongly recommended for the Veterinarian to ensure that the drug is FDA approved. Mr. Gordon explained that FDA approved drug bottles will have an ANDA (Abbreviated New Drug Application) or NDA (New Drug Application) number on them. Mr. Gordon clarified that a licensed pharmaceutical manufacturer may sell to practitioners, pharmacies, and veterinarians. Where as a Veterinarian may only sell to their client.

Recommendations to resolve this issue were:

1. Place a list of “Guide Lines” on the Division website to assist this profession; Mr. Walker agreed recommending adding a link to the FDA site as well.
2. Amend 58-28 to clarify; Mr. Walker then recommended reviewing 58-17b; the Pharmacy Licensing Act’s Standards of Conduct.
  - o Define FDA approved products
  - o Add sell, dispense, and distribute FDA approved products to the Veterinarian “Scope of practice”.
3. Advising all licensees of this issue, and if it continues disciplinary actions should be taken.

Dr. Park seconded by Dr. Heaton made a motion for Dr. Shields to write an educational letter, regarding

this issue, to be added to the Division website. The motion carried unanimously.

Utah Veterinary Medical Association possible legislative changes

A letter was received by the Division on November 12, 2009 from Dr. Drew Allen, DVM, regarding proposed changes to 58-28 to eliminate the Internship portion of the licensure requirements.

Dr. Park reminded the Board that at the last meeting on September 17, 2009 this issue was discussed, adding that at the meeting the Board had unanimously voted that the Statute should not be changed at this time.

After a detailed discussion the Board determined that new students need 1000 hours of indirect supervision prior to full licensure. It was then added that they are not in support of the proposed changes.

Verbal authorization to share diagnostic information of clients

A letter was received by the Division, questioning if verbal authorization to share client-patient information between Veterinarians was sufficient to meet the requirements of 58-28-605 the Veterinarian-client-patient confidentiality section of the Statute.

After a detailed discussion it was determined to protect the profession, client, and patient written authorization is required to share diagnostic information.

**CORRESPONDENCE:**

AAVSB RACE – Continuing Education Symposium Reviewed, no further action taken.

AARV - Practice of Physical Therapists in Animal Rehabilitation Reviewed, no further action taken.

AVMA approval of Utah Career College – Veterinary Technology Program Reviewed, no further action taken.

**NEXT BOARD MEETING:** February 4, 2010

**ADJOURN:** 11:32 a.m.

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

February 4, 2010

(ss) Terry Shields

Date Approved

Chairperson, Veterinary Physician Board

February 10, 2010

(ss) Clyde Ormond

Date Approved

Bureau Manager, Division of Occupational &  
Professional Licensing