

BOARD OF VETERINARY MEDICAL EXAMINERS

Telephonic Board Meeting Minutes

Date: October 2, 2008

Time: 2:00 p.m., C.S.T.

Location: Iris Room
227 French Landing, Suite 150
Heritage Place MetroCenter
Nashville, TN 37243

Members Present: C. Maben Thompson, D.V.M., President
Bryan W. Bondurant, D.V.M.
Janet B. Jones, L.V.M.T
James C. Lyons, D.V.M., Vice-President

Members Absent: Marie A. Gordon, Consumer Member, Secretary
Joseph Kendrick, D.V.M.
Tiffani D. Rogers, D.V.M.
Ronald B. Wilson, D.V.M., Ex-officio Member

Staff Present: Nicole Armstrong, Assistant General Counsel
Alison G. Cleaves, Chief Deputy General Counsel
Lisa Lampley, Board Director
Elizabeth Miller, Director, Health Related Boards

Upon roll call and determination of a quorum, the telephonic meeting was called to order at 2:02 p.m., CST.

Ms. Alison Cleaves, Chief Deputy Counsel, stated that Chapter 805 of the Public Acts of 2008 created a certification program for the chemical capture of cats and dogs. The Act becomes effective on January 1, 2009. The meeting was necessary in order for the Board to promulgate rules and regulations to effectuate the purposes of the chapter. Public necessity rules are required in order for the Board to begin implementation of this program and to ensure that the Board has the resources necessary to implement the program.

Roll call votes were conducted to ensure each participant was connected and that each participant could hear all responses. A motion was made by Dr. Lyons, seconded by Dr. Thompson, to find that the requirements for an electronic meeting had been met. The motion carried.

Ms. Cleaves reviewed for the Board the comments received from Dr. Joe Kendrick, DVM, Board Member, on the proposed rule language pertaining to the certification of animal control agencies to authorize the chemical capture of animals by certified animal chemical capture technicians.

Dr Thompson also recognized and received comments from Ms. Meagan Frazier, Esq., Lobbyist, Tennessee Veterinary Medical Association (TVMA).

After review and discussion, a motion was made by Dr. Thompson, seconded by Dr. Lyons, to adopt the proposed public necessity rules as amended. The motion carried. The rules establish application requirements for a governmental animal control agency to apply for a certificate to authorize the chemical capture of animals. The governmental animal control agency must be a certified animal control agency and must hold a valid premise permit issued by the Board. Proof of employment of a full-time veterinarian on staff and a written protocol to be approved by the Board must also be submitted with the completed application. The rules also establish application requirements for certification as an animal chemical capture technician. Applicants must submit a signed passport-size picture; results of a criminal background check; proof of having successfully completed initial marksmanship training for use of the tranquilizer gun in chemical capture taught by an instructor skilled in using the tranquilizer gun; and proof of having successfully completed a sixteen(16)-hour chemical immobilization certification course approved by the Board. The rules provide for the renewal, reinstatement, and/or retirement of certificates issued to an agency or technician. The following fees are established: Application fee: \$50.00; Endorsement/Verification fee: \$20.00; Initial certification fee (technician): \$100.00; Renewal fee (technician): \$100.00; Initial certification fee (agency): \$200.00; Renewal fee (agency): \$200.00; State regulatory fee: \$10.00; Course approval fee: \$20.00; Replacement certificate fee: \$25.00; Late renewal fee: \$80.00. The rules establish course approval and course topic requirements for an approved course for animal chemical capture technicians. All courses shall be approved by the Board before they are offered and must be submitted to the Board office no later than thirty (30) days prior to the scheduling date of the course. A person seeking approval to conduct a course for qualifying education shall provide the following information: name and address of the provider; contact person with an address, telephone number, fax number, and email address; the physical location of the courses or programs; the number and type of education credit hours requested for each course; topic outlines, which list the summarized topics covered in each course and, upon request, a copy of any course materials; if a prior approved course has substantially changed, a summarization of the changes; and the names and qualifications of each instructor. Acceptable topics include, but are not limited to: pharmacology; proper administration; recordkeeping; chemical capture technology; animal behavior; post-immobilization procedures; proper public and personnel safety; and marksmanship training.

Rules regarding the required written protocol were established. The licensed veterinarian for the certified animal control agency shall develop, implement, and maintain a written protocol for chemical capture by the agency which shall include, at a minimum, developing procedures for the following: the storage and administration of drugs used for chemical capture; the storage and administration of controlled substances used for chemical capture in accordance with federal laws and regulations; the maintenance of records relative to the storage and administration of drugs for chemical capture; the storage, use, and maintenance of the equipment used to perform chemical capture; the disposal of the dart, syringe, or other disposable instruments or disposable equipment used in the chemical capture of the animal; the care of the captured animal, including but not limited to procedures for removing the dart from the captured animal and providing first aid care to the dart wound; the appropriate veterinary care of the animal immediately upon capture; the transportation of the animal from the location of the chemical capture to a place where the animal can be provided with appropriate veterinary care; establishing the supervisory structure within the agency about who has decision-making authority to perform chemical

capture on an animal; obtaining approval from the supervising veterinarian and director of the certified governmental animal control agency to perform chemical capture of an animal; establishing criteria used to determine if chemical capture should be performed; documenting for each animal when and how other methods of capture have failed resulting in the chemical capture of the animal; documenting the condition of the animal before and after the chemical capture is performed; ensuring that the individuals performing the chemical capture use protective safety equipment; ensuring the safety of the public; using field emergency kits; and the release and recovery of the animal. The licensed veterinarian at the certified animal control agency shall ensure that all licensed veterinary technicians and certified animal chemical capture technicians at the agency shall receive a copy of the written protocol and any changes to the written protocol. The licensed veterinarian shall submit an updated protocol to the Board office each time the agency's protocol changes and within thirty (30) days from date that the protocol has been changed. The certified animal control agency shall maintain its protocols for at least two (2) years after the date that the protocols were sent to the Board office.

The certified animal control agency shall notify the Board office in writing when there is a change in the licensed veterinarian who is employed by the agency within thirty (30) days after the change occurs. The absence of a veterinarian on staff would immediately invalidate the certificate for chemical capture. A licensed veterinarian, licensed veterinary technician employed by and functioning under the direct supervision of a licensed veterinarian, or a certified animal chemical capture technician may administer Telazol in performing chemical capture. A licensed veterinarian shall use his or her Drug Enforcement Administration number to obtain the controlled substances used in the chemical capture of animals. All drugs used for chemical capture shall be approved by the Board. The licensed veterinarian and animal chemical capture technician shall administer the chemical capture drugs approved by the Board to the species of animal for which the Food and Drug Administration has approved its use and shall administer the drug in accordance with all other Food and Drug Administration's rules, regulations, recommendations, and guidelines.

A licensed veterinarian shall ensure that the tranquilizer guns used for chemical capture shall have adequate sighting capability and the capability of tracking the dart that it shoots. A licensed veterinarian shall ensure that the tranquilizer guns are securely stored and well-maintained in a high state of repair including accuracy at all times. A record shall be maintained by the licensed veterinarian who supervises or performs chemical capture containing the following for each chemical capture performed: date the drug was administered; name, strength, and dosage amount of drug administered; method by which the drug was administered; the amount of any drug wasted, spilled or lost; description of the animal, including but not limited to the gender, breed and approximate weight; tag number or identification number for the animal; name of the persons who participated in the chemical capture and their roles – in particular, the name and title of the individual who administered the drug; location where the chemical capture occurred; location where the animal recovered from the chemical capture; name and title of the individual who cared for the animal after the chemical capture; and name and title of the individual approving the chemical capture of the animal.

A copy of all of the records relating to the chemical capture of an animal shall be maintained at the certified animal control agency for a period of three (3) years from the date that the chemical capture was performed. The licensed veterinarian working at the certified animal control agency shall maintain an inventory of controlled substances in accordance with federal laws and rules.

The rules provide that the Board at any time may examine records related to chemical capture to ensure compliance with laws and rules.

The Board reviewed and discussed the economic impact statement and the regulatory flexibility analysis of the public necessity rules for the chemical capture of animals.

Ms. Jones made a motion, seconded by Dr. Lyons, to authorize a rulemaking hearing to consider comments on the adoption of the public necessity rules pertaining to the chemical capture of animals as permanent rules. The motion carried. A hearing is scheduled to be held on January 23, 2009. Notices of rulemaking hearings are posted on the TN Department of Health website.

Adjournment

There being no further business, Dr. Lyons made a motion, seconded by Ms. Jones, to adjourn. The motion carried and the meeting was adjourned at 3:55 p.m.

These minutes were ratified at the meeting held on December 11, 2008.