

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

- - -

PUBLIC HEARING

FRIDAY, FEBRUARY 25, 2022

AT ABOUT 9:00 A.M.

- - -

G. MENNEN WILLIAMS BUILDING AUDITORIUM

525 W. OTTAWA STREET

LANSING, MICHIGAN

- - -

RE: Veterinary Medicine - General Rules  
(MOAHR #2021-57 LR)

- - -

HEARING FACILITATOR:

DENA MARKS  
Bureau of Professional Licensing  
611 W. Ottawa Street  
Lansing, Michigan 48909

ALSO PRESENT: Kerry Przybylo  
LeAnn Payne  
Stephanie Wysack

- - -

REPORTED BY: Lori Anne Penn, CSR-1315

Penn Reporting, LLC - lori.penn@yahoo.com

I N D E X

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Opening Statement - Dena Marks 3

- - -

COMMENTS: PAGE

Richard Angelo 5

Joseph Dobesh 7

John Tramontana 8

Akshay A. Verma 10

Catherine Garrett 15

- - -

Closing Statement - Dena Marks 19

Lansing, Michigan

Friday, February 25, 2022

At 9:00 a.m.

- - -

(Public hearing commenced pursuant to due notice.)

MS. MARKS: Good morning. My name is Dena Marks, and I'm a departmental specialist for the Bureau of Professional Licensing in the Department of Licensing and Regulatory Affairs. I will be conducting the hearing this morning.

This is a public hearing on proposed Administrative Rules entitled "Veterinary Medicine - General Rules". We are conducting this hearing under the authority of the Administrative Procedures Act, Public Act 306 of 1969, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing.

We are calling this hearing to order at 9:00 a.m. on February 25, 2022, at the G. Mennen Williams Building Auditorium, 525 West Ottawa Street in Lansing, Michigan. Publication of the notice of public hearing was in three newspapers of general circulation. The public notice for these rules was published in the Flint Journal on January 28, 2022; the Grand Rapids Press on January 30, 2022; and the Mining Journal on January 27, 2022; as well as in the *Michigan Register*, Issue 2-2022, Penn Reporting, LLC - lori.penn@yahoo.com

1 published on February 15, 2022.

2 We are here today to receive comments on  
3 the proposed rules. If you wish to speak, please make  
4 sure you have signed in and indicated that you wish to  
5 speak. You may use the cards provided for this purpose.  
6 If you would like to speak and have not signed in, please  
7 do so now. For those of you who do not wish to sign in  
8 with a card, you may speak at the microphone once we have  
9 exhausted the cards submitted to me.

10 If you have comments, please make sure  
11 that they relate directly to the proposed rules. If you  
12 have questions about the rules, please indicate your  
13 questions as part of your testimony for the Department's  
14 review. If you have suggested changes to the proposed  
15 rules, please include the specific reasons why the  
16 changes would be in the public interest.

17 Please note, if you have already  
18 submitted comments to the Department in writing or by  
19 email, those comments will be considered in the same  
20 manner as the comments made during the public hearing  
21 today.

22 For those making comments today, please  
23 clearly state and spell your name for the record, and if  
24 you are speaking on behalf of an organization, please  
25 identify that organization as well.

Penn Reporting, LLC - lori.penn@yahoo.com

1           If you have written comments, you may  
2 submit them directly to me. The Department will also  
3 accept written comments postmarked or emailed until 5:00  
4 p.m. today.

5           The Department staff from the Bureau of  
6 Professional Licensing attending today's hearing are  
7 LeAnn Payne, Kerry Przybylo, and me.

8           So I will take the cards in alphabetical  
9 order by your last name. If you would like to come up to  
10 the mic so that it can be heard clearly by everyone and  
11 so the court reporter can get your name, that would be  
12 appreciated. So Richard Angelo, if you would like to  
13 make your comments, please.

14           MR. ANGELO: Good -- is it on? Okay.  
15 Can you hear me okay?

16           MS. PRZYBYLO: It is on.

17           MR. ANGELO: Good morning. My name is  
18 Richard Angelo, last name is spelled A-n-g-e-l-o. I am  
19 here as both an individual and representing Best Friends  
20 Animal Society, a national animal welfare organization  
21 working in all 50 states.

22           I'm here to provide comments on,  
23 regarding specifically the telemedicine and telehealth  
24 provisions in the proposed rules as they were published.  
25 I was very, very pleased over a year ago when these rules

Penn Reporting, LLC - lori.penn@yahoo.com

1 were actually changed to allow for the client  
2 relationship to be established by telemedicine, and I  
3 think many, many Michiganders, their pet companion  
4 animals, have all benefited from those rules.

5 In working in all 50 states with many  
6 veterinary boards and veterinary regulations across the  
7 country, we've seen over the past years veterinary boards  
8 actually expand telemedicine rather than contract it.  
9 This contraction in the proposed rules is going to be  
10 detrimental to many people across the State given the  
11 veterinary shortages that are going on across the country  
12 as well as in our state, rural areas as well as in  
13 pockets in the urban areas throughout our State.

14 We're asking that we leave subsection  
15 (d) (i) as is in the rules, allowing the client/patient  
16 relationship to be established by telemedicine rather  
17 than requiring an in-person visitation of the animal by  
18 the veterinarian. The veterinarians in our State, as  
19 well as across the country, are very, very well-versed in  
20 what needs to be done, how to treat their patients and  
21 their clients. The judgment as to whether or not that  
22 relationship could be established by telemedicine should  
23 be left to the individual veterinarians.

24 I went through your fiscal -- I'm  
25 sorry -- the regulatory impact statement which stated  
Penn Reporting, LLC - lori.penn@yahoo.com

1 there wouldn't be any impact in rural areas on some of  
2 the licensees. I would tend to vehemently disagree with  
3 that in that many areas where people can't get to the  
4 veterinarian or there's only one veterinarian, say,  
5 throughout the U.P., people need and would benefit from  
6 being able to establish the veterinary client/patient  
7 relationship through telemedicine.

8 So again, I will be submitting more  
9 detailed written comments before the end of the day, but  
10 we're asking that we leave subsection (d)(i) written as  
11 is. Thank you.

12 MS. MARKS: Joseph Dobesh.

13 MR. DOBESH: Good morning. I'm Joseph  
14 Dobesh, I'm the chief executive officer of the Michigan  
15 Pet Alliance, a trade association for Michigan's animal  
16 shelters, rescues, and their advocates.

17 MS. MARKS: Would you spell your last  
18 name, please.

19 MR. DOBESH: Yes.

20 MS. MARKS: Thank you.

21 MR. DOBESH: Dobesh, D-o-b-e-s-h.

22 We stand today in opposition to the  
23 proposed rule change, specifically the provisions related  
24 to telemedicine. These provisions instituted during  
25 COVID have provided a vital access to care for Michigan's

1 pets, particularly those living in rural areas and those  
2 whose owners may have mobility issues or transportation  
3 issues. Michigan's animals will undoubtedly suffer with  
4 this change which runs contrary to the efforts of  
5 progress in the provision of veterinary services. We  
6 would ask that this proposed revision be reconsidered,  
7 that the harms mitigated would be better addressed  
8 through efforts of the individual veterinarian; we trust  
9 them every day, we license them, and they go through  
10 comprehensive training. We know that change and progress  
11 can never be avoided; to make a -- to make such a  
12 substantial change through regulation puts Michigan's  
13 pets at risk, and we would respectfully ask the board to  
14 leave the provisions as they currently exist as we  
15 believe they best serve the interest of Michigan's  
16 companion animals. Thank you.

17 MS. MARKS: John Tramontana.

18 MR. TRAMONTANA: Good morning. My name  
19 John Tramontana, I am the chief executive officer of the  
20 Michigan Veterinary Medical Association. Thank you for  
21 the opportunity to allow us to comment today.

22 First, we would like to say the MVMA  
23 strongly supports telehealth and telemedicine. Two years  
24 ago before the COVID-19 pandemic began, none of this  
25 technology was legally allowed for veterinarians to use

1 and to access care to allow people in -- with  
2 transportation issues, in rural areas, it has provided  
3 more care to veterinarians. But like any type of new  
4 initiative or new technology, it needs to be done  
5 ethically and responsibly, therefore, we strongly support  
6 the changes to these rules and believe this board made up  
7 of predominantly Michigan veterinarians who understand  
8 the profession, who understand how these rules are put  
9 into practice, and understand how they are utilized have  
10 done so to make sure that these rules are not only clear,  
11 but are put forth in an ethical and responsible way.

12 Without an in-person visit initially,  
13 there is a much higher risk of misdiagnosis [ph] -- of  
14 misdiagnosis, of being able to provide the wrong  
15 medication. It also has the potential to influence and  
16 taint Michigan's food supply. Also, it allows people  
17 outside of the State of Michigan potentially, the old  
18 rules that is, to treat Michigan patients without  
19 sufficient knowledge of that patient. We believe  
20 Michigan veterinarians licensed in Michigan, practicing  
21 in Michigan, should be able to make that call. We  
22 believe that these rules do that.

23 MVMA strongly supports these changes, as  
24 does the American Veterinary Medicine Association, as do  
25 many other organizations who deal with veterinary

1 medicine, including other veterinary colleges and  
2 universities throughout the country. These changes bring  
3 Michigan in line with nearly 40 other states, as well as  
4 federal guidelines and recommendations put forth by the  
5 Federal Drug Administration, so we -- Food and Drug  
6 Administration, so we ask that these continue to move  
7 forward.

8 We would like to commend the board for  
9 recognizing the gray area in the previous rules, some of  
10 the complications that arose, and taking the brave steps  
11 to move forward with these new rules that protect  
12 Michigan Animals, protect the public health, and protect  
13 the veterinary practice in Michigan. Thank you.

14 MS. MARKS: Dr. Akshay Verma.

15 MR. VERMA: Hello. I'm a veterinarian,  
16 I'm also a certified rehabilitation practitioner and a  
17 behavior resident with the American College of Veterinary  
18 Behaviorists.

19 MS. MARKS: Doctor, would you please  
20 spell your name for the reporter, please.

21 MR. VERMA: Yeah. My first name A, as in  
22 apple, -k-s-h-a-y, my last name is V, as in Victor,  
23 -e-r-m, as in Mary, -a. And I'm here representing my  
24 personal practice, Personalized Veterinary Behavior and  
25 Rehabilitation, as well as a board member of the Humane

Penn Reporting, LLC - lori.penn@yahoo.com

1 Society of Huron Valley. I also am an adjunct professor  
2 at the College of Veterinary Medicine at Michigan State,  
3 but I'm not -- I don't claim to represent Michigan  
4 State's interests.

5 And I just wanted to bring up a couple  
6 observations that I've made. I've also attended  
7 committee meetings at the State House where I've seen the  
8 MVMA discuss that there's something -- that there are  
9 going to be veterinarians out of state practicing  
10 medicine as a result of these rule changes, and it  
11 doesn't really make sense because you still need a  
12 license in Michigan in order to practice. This is a  
13 heavy regulated profession, it's not just a trade, you  
14 know, we have very (inaudible) --

15 COURT REPORTER: I'm sorry. Very?

16 MR. VERMA: -- stringent requirements to  
17 become veterinarians. And I don't understand why the use  
18 of telemedicine wouldn't be up to the individual  
19 practitioner. In fact, I think that these changes could  
20 put practitioners at risk, such as practitioners who  
21 practice veterinary behavioral medicine where we deal  
22 with aggressive patients where it may not be considered  
23 legally an emergency, but it could very well put our  
24 staff at risk and us at risk in order to interact with  
25 these patients physically before we've been able to

1 prescribe the appropriate medications. And even if we  
2 see these patients in person, many times we don't  
3 actually perform a physical exam because we can't touch  
4 the patients until we've prescribed something. So  
5 telemedicine has been going on for a long time because as  
6 long as we've established a VCPR in person, we can  
7 communicate, even prior to COVID we've been able to  
8 communicate with our clients as long as we've seen him  
9 within a year. It's also something that we're teaching  
10 at Michigan State to our behavior students, you know, our  
11 services are split between in-person and telehealth, but  
12 many of our clients are established as virtual clients  
13 initially. And we do review medical records just like it  
14 is stipulated in the current rule. So as you can see,  
15 I'm opposed to the rule changes.

16 And I also don't understand why now that  
17 the State legislature seems to not have an appetite for  
18 this change, the MVMA has come to LARA to try to change  
19 the rules, you know, without involving the legislature,  
20 and it just doesn't make sense to me because I don't  
21 understand who is harmed, if there's been any  
22 demonstration of harm over the past two years while this  
23 has been in place.

24 And I also don't understand if the  
25 thought is that veterinarians are going to lose money or

1 something like that, it doesn't really make sense because  
2 there's extreme waits at every single veterinary hospital  
3 right now, and access to care is a huge issue, and we  
4 can't legislate a turnback in time.

5 You know, in pediatric -- it was brought  
6 up at the State meeting that in pediatrics you can also  
7 legally perform telemedicine. Are we saying that there's  
8 a greater danger to the animals than there are to our  
9 kids?

10 And I also -- or the example of  
11 (inaudible) --

12 COURT REPORTER: Excuse me. Example of?

13 MR. VERMA: Chloramphenicol, it's an  
14 antibiotic. But basically an example of antibiotics that  
15 shouldn't be used prescribed to food animals and to  
16 contaminate our food supply, why would a veterinarian  
17 just because they're behind a computer suddenly lose  
18 their mind and prescribe heavy-duty antibiotics? You  
19 know, there's no such thing as a virtual veterinarian and  
20 a veterinarian; just like in my practice and in our  
21 department at Michigan State, we practice in-person  
22 medicine and telehealth, it is not like we just switch to  
23 being virtual veterinarians and suddenly lose our  
24 knowledge and our training.

25 And then lastly, as a board member of the  
Penn Reporting, LLC - lori.penn@yahoo.com

1 Humane Society of Huron Valley, the current, unlike the  
2 appropriate avenues through the legislature which were  
3 providing some exceptions for shelters, this rule -- rule  
4 changes provide no exceptions for shelters, which MVMA's  
5 own shelter veterinarian who came to speak had mentioned  
6 that she was concerned about there being an exception for  
7 the premises, which I don't understand why a building  
8 has -- what a building has to do with the VCPR, but that  
9 is essentially the argument through the legislative  
10 options, but in the rule changes before us, there is no  
11 acknowledgment that shelters may require telehealth (1)  
12 for shelter veterinarians to communicate with their staff  
13 if an animal's been brought in and the veterinarian  
14 hasn't had a chance yet to examine the animal, and it  
15 could be, you know, after hours; but then also with  
16 specialty medicine and other consultants that may wish to  
17 help the shelter with their, you know, extreme caseloads,  
18 and that's something I do through my practice is I  
19 consult with (inaudible) --

20 COURT REPORTER: Consult with?

21 MR. VERMA: Sorry. Humane Society of  
22 Huron Valley on their behavior cases to try to better  
23 facilitate re-homing of difficult patients.

24 So I just don't understand the harm here.  
25 Telemedicine has been around for two years and -- well,

Penn Reporting, LLC - lori.penn@yahoo.com

1 actually longer than two years, but it's been two years  
2 since you could establish a VCPR virtually, and I don't  
3 see these cases of harm being brought forth before the  
4 licensing board or anywhere else or in the civil courts,  
5 so it's really a, you know, solution in search of a  
6 problem, and I don't understand what the appetite is.  
7 Thank you. That's all I have to say.

8 MS. MARKS: Thank you for the comments.  
9 If there are no other persons who wish to speak at this  
10 time, we will take a short recess.

11 (Recess from 9:20 a.m. until 9:25 a.m.)

12 MS. MARKS: We are back on the record.  
13 Catherine Garrett.

14 MS. GARRETT: Catherine Garrett,  
15 C-a-t-h-e-r-i-n-e, Garrett, G-a-r-r-e-t-t. I'm Catherine  
16 Garrett, director of (inaudible) --

17 COURT REPORTER: Excuse me. If you're  
18 going to read, read slowly.

19 MS. GARRETT: Oh, okay. Sorry about  
20 that.

21 So I'm Catherine Garrett, director of  
22 development and marketing for All About Animals Rescue,  
23 and I'm here today to speak on behalf of Amber Sitko, our  
24 president and founder, who couldn't be here. And so she  
25 wanted me to convey the following.

Penn Reporting, LLC - lori.penn@yahoo.com

1 I am writing to express staunch  
2 opposition to the proposed revised rules to the  
3 Veterinary Medicine - General Rules in regards to  
4 telehealth services, specifically Rule 1a(1)(i) which  
5 would require the veterinarian to have recently examined  
6 the animal patient in person -- excuse me, I ran to get  
7 here -- and I am asking you to honor the original  
8 language and intent.

9 I am the president and founder of All  
10 About Animals Rescue. We have four locations employing  
11 16 veterinarians that provide veterinary care. Our  
12 primary focus areas are on low-income pet owners,  
13 particularly in Detroit and Flint. These communities are  
14 veterinary deserts with few to no accessible veterinary  
15 services. While telehealth medicine is a small part of  
16 our services, we consider it essential in helping the  
17 underserved pet owners.

18 Pet owners can not always travel to a  
19 veterinarian for many reasons that hit underserved  
20 communities the hardest. Some owners have no  
21 transportation, and pets are not allowed on public  
22 transportation. Uber, Lyft, even if they find a driver  
23 willing to transport them with an animal, is  
24 prohibitively expensive, and there is no guarantee they  
25 can find a driver willing to accept their animals for the

Penn Reporting, LLC - lori.penn@yahoo.com

1 trip back home. Any suggestion that they should walk to  
2 the clinic places an undue burden on both the pet and the  
3 owner. One must take into consideration the distance,  
4 physical ability of the pet and the owner, the weather,  
5 and even their personal safety in attempting to walk to a  
6 clinic. There are no reasonable options for many pet  
7 owners and their pets.

8 Michigan veterinarians are highly  
9 trained, licensed, and should be trusted to make the  
10 assessment to determine if telemedicine is appropriate  
11 for a patient. We are against unnecessary mandates,  
12 especially when they will cause harm to our patients. If  
13 the pet owner is unable to provide care for their pet,  
14 the pet suffers physically, and may even be surrendered  
15 to a shelter and euthanized. We need to expand care for  
16 pets, not unnecessarily restrict it.

17 Please consider that this proposed change  
18 is a direct threat to animals of the underserved in  
19 receiving healthcare. Whatever the anticipated benefit,  
20 is it worth the collateral damage this will cause to a  
21 marginalized population already struggling to secure  
22 veterinary care for their pets, as well as, and most  
23 importantly, the unnecessary negative health effects  
24 caused to the animals themselves because their newfound  
25 access to medical care is taken away by this change.

1                   Respectfully, Amber Sitko, President and  
2                   Founder, All About Animals Rescue.

3                   MS. MARKS: We're going to go off the  
4                   record and take another short break.

5                   (Recess from 9:30 a.m. until 9:37 a.m.)

6                   MS. MARKS: We're back on the record. If  
7                   there are no further comments at this time, I hereby  
8                   declare the hearing closed. The record will remain open  
9                   until 5:00 p.m. today for any other comments you may wish  
10                  to share about the proposed rules. Thank you for  
11                  attending.

12                  (At 9:38 a.m., the public hearing concluded.)

13                                 - - -

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

C E R T I F I C A T E

I, Lori Anne Penn (CSR-1315), do hereby certify that I reported in stenotype the proceedings had in the above-entitled matter, that being Bureau of Professional Licensing Public Hearing in MOAHR #2021-57 LR, at the G. Mennen Williams Building Auditorium, 525 West Ottawa Street, Lansing, Michigan, on Friday, February 25, 2022, and do further certify that the foregoing transcript, consisting of pages 1-19, constitutes a true and correct transcript of my stenotype notes.

*Lori Anne Penn*

Lori Anne Penn, CSR-1315  
Penn Reporting, LLC  
lori.penn@yahoo.com

Dated: March 1, 2022