UNAPPROVED DRAFT

VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 3
HENRICO, VA
OCTOBER 22, 2014

CALL TO ORDER: A quorum of the Board of Veterinary Medicine (Board) was called to order at 10:06 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Henrico, VA.

PRESIDING OFFICER: Mark A. Johnson, DVM, President

MEMBERS PRESENT:
Kelly Gottschalk, DVM
Joe May, DVM
Ellen Hillyer, DVM
Bayard Rucker, DVM
Taryn Singleton, LVT

MEMBER NOT PRESENT: Carole Stadfield, citizen member

STAFF PRESENT:
Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Brandy Gasparotto, Administrative Assistant
Elaine Yeatts, Senior Policy Analyst
David Brown, D.C., Director, Dept. of Health Professions (DHP)
Jaime Hoyle, Esq., Deputy Director, DHP
Jim Rutkowski, Esq., Board counsel
Paul Dalby, Deputy Director, Enforcement
Leith Ellis, Inspector
Karen Schaller, Inspector
Marta Ishmael, Inspector

OTHERS PRESENT:
Carol Heizer, LVT, Virginia Association of Licensed Veterinary Technicians (VALVT)
Robin Schmitz, Virginia Veterinary Medical Association (VVMA)
Susan Seward, VVMA
Lee Henkel
Melissa Stanley – Richmond Wildlife Center

Dr. Johnson welcomed new board member, Dr. Hillyer, to the Board.

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ORDERING OF AGENDA: On properly seconded motion by Dr. May, the Board voted unanimously to approve the agenda as presented.

PUBLIC COMMENT: Ms. Henkel presented public comment regarding the recording of the Board's minutes. The Board thanked her for commenting.

APPROVAL OF MINUTES: On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the meeting minutes for the Board meeting held on June 11, 2014, with one spelling correction. The name of one of the attendees was listed as Kris Kean, LVT and was corrected to Kris Keane, LVT.

DIRECTOR'S REPORT Dr. Brown introduced DHP Deputy Director, Jaime Hoyle. He also welcomed the Board's newest member, Dr. Ellen Hillyer.

Dr. Brown spoke to the Board about the Governor's Executive Order 29 that establishes a task force responsible for making recommendations to prevent prescription drug abuse and heroin abuse and addiction in Virginia. Dr. Brown asked the veterinary board to consider reconvening the Ad Hoc Drug Control Act Committee to serve as a resource for the task force to review veterinary practice as it relates to controlled drugs.

LEGISLATIVE/REGULATORY UPDATE Ms. Yeatts reported that there is currently one regulatory action in process. The Notice of Intended Regulatory Action to increase the number of continuing education hours for licensed veterinary technicians is currently in the Governor's office awaiting approval.

Ms. Yeatts presented three petitions for Rulemaking for Board action:

- Petition for Rulemaking submitted by Cara Lubarsky
    - Ms. Yeatts pointed out that the Board had previously considered this petition at its June 11, 2014, board meeting. The petition was being reconsidered due to an error that resulted in the Board not having been provided with the full list of public comments.

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- On properly seconded motion by Dr. Gottschalk, the Board made a motion to initiate rulemaking to delete the requirement that practical experience for veterinary students be limited to the final year of training found in 18VAC150-20-130.

- The Board discussed the petitioner's request.

- The Board voted unanimously to initiate rulemaking to delete the requirement that practical experience for veterinary students be limited to the final year of training.

- Petition for Rulemaking submitted by Ann Mahoney
  - On properly seconded motion by Dr. May, the Board made a motion to take no action on the petitioner's request to add a requirement for completion of training in animal behavior through a Certified Applied Animal Behaviorist for licensed veterinary technicians.

  - The Board discussed the petitioner's request.

  - The Board voted unanimously to take no action on the petitioner's request because the veterinary technician programs have adequate training in animal behavior and the additional training through a Certified Applied Animal Behaviorist would be burdensome.

- Petition for Rulemaking submitted by Lee Henkel
  - The Board discussed the petitioner's request and identified portions that may merit further discussion. Ms. Yeatts stated that the Board needed to make a decision about whether to initiate rule-making or take no action on the petition as presented. However, the Board could take no action on the petitioner's request for rule-making at this time and refer it to the Legislative/Regulatory Committee for

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further review and consideration.

- On properly seconded motion by Dr. May, the Board made a motion to take no action on the petition at this time and to ask that the Legislative/Regulatory Committee further study levels of supervision and owner consent requirements.

- The Board voted unanimously to take no action on rule-making at this time and to refer the information to the Legislative/Regulatory Committee for further review and consideration.

Ms. Yeatts discussed the legislative requests that are in the agency's package for the 2015 General Assembly.

DISCUSSION ITEMS:

NEWS UPDATES

- **Veterinarians and Wildlife Rehabilitators – Prescription Drugs**

  Ms. Knachel reviewed the news update that was sent to licensees stating that there is no allowance in law for a veterinarian to provide a wildlife rehabilitator with a general stock of controlled substances.

- **Federal Laws and Regulations**
  - Ms. Knachel reviewed the news update that was sent to licensees
    - Regarding the rescheduling of Hydrocodone Combination Products; and
    - Regarding the rescheduling of tramadol.
  - Ms Knachel commented on the links to information on recently passed federal legislation related to
    - Drug disposal;
    - Veterinary Medicine Mobility Act; and
    - Hydrocodone Combination Products.

GUIDANCE DOCUMENT UPDATES:

- **Veterinarians and Wildlife Rehabilitators – Prescription Drugs**

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- Ms. Knachel presented a draft guidance document for the Board's consideration regarding veterinarians, wildlife rehabilitators and prescription drugs
- On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the draft guidance document as presented.

- **150-2: <u>Expanded Duties for Licensed Veterinary Technicians</u>**
  - Ms. Knachel stated that Guidance Document 150-2 had not been updated since 2003 and that additional language from a July 20, 2010, Board meeting had been found that may be appropriate to add. In addition, she indicated that there were some questions from licensees later on the agenda that perhaps should be added to the guidance document.
  - The Board discussed the guidance document and requested that it be tabled until its next Board meeting in February.

INSPECTION COMMITTEE REPORT:
Ms. Singleton reported that the Inspection Committee met three times since the last Board meeting to work on identifying current veterinary practice models in order to update the regulations. During its meeting immediately preceding the board meeting, the Committee recommended several revisions to the documents provided in the agenda package. Ms. Singleton requested that the board members review these documents and provide comments to the board office. Ms. Knachel added that she will send out revised documents based on the Committee's recommendations from the recent meeting.

Ms. Singleton stated that the Committee reviewed the updated Guidance Document 150-15 during its meeting and recommended adoption by the full Board. Ms. Knachel stated that the main change to the guidance document is going from a five year inspection cycle to a three year inspection cycle. She clarified that the Board is now in a financial position to return to the previous three year inspection cycle as a

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result of implementation of cost saving measures over the past five years and the fee increase that became effective on December 4, 2013. The Board discussed the need to add a statement to the guidance document to clarify that additional action may be taken if violations are found during a reinspection.

On properly seconded motion by Dr. May, the Board voted unanimously to adopt Guidance Document 150-15 with the requested amendment that additional action may be taken if violations are found during a reinspection.

RATIFICATION OF ORDERS:
Willie Walton, LVT Applicant
The Board was presented with an Order regarding Willie Walton's application for licensure as a veterinary technician.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to ratify the Order as presented.

Rosanne Barwick, LVT Applicant
The Board was presented with an Order regarding Rosanne Barwick's application for licensure as a veterinary technician.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to ratify the Order as presented

QUESTIONS FROM LICENSEES:
The Board office received a question from a licensee asking if an LVT can perform a simple, single layer closure of a previously created gingival flap.
The definition of surgery found in the regulation states that surgery does not include skin closure performed by a licensed veterinary technician. The Board stated that oral mucosa is not skin, therefore the exception would not apply to the closure of a gingival flap. A licensed veterinary technician would not be able to perform closure of a previously created gingival flap.

The Board office received a question from a licensee asking if an LVT is allowed to do fine needle aspirants or biopsies. The Board stated that fine needle aspirants may or may not meet the definition of surgery,

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depending on the location and circumstances of aspirant and should be left up to the professional judgment of the veterinarian. The Board stated that biopsies meet the requirements for surgery, so they may not be performed by an LVT.

The Board office received a question from a licensee asking if § 54.1-3812.1, regarding reporting of animal cruelty and immunity, applies to an LVT. Ms. Knachel commented that she received guidance from board counsel that the section of the Code applies only to veterinarians and should be amended to include LVTs. The Board agreed to pursue an amendment during the 2016 legislative session.

REPORT ON AAVSB ANNUAL MEETING
Ms. Knachel reported that she and three members of the Board attended the annual meeting in September. The attendees found the meeting worthwhile and very informative.

REPORT ON COMPOUNDING WORKGROUP:
Dr. Johnson, as the representative for the Board, was unable to attend the first meeting. Dr. Gottschalk attended as the Board representative. Dr. Gottschalk reported that this first meeting was very technical and had little impact on veterinarians.

Dr. Johnson attended the second meeting and reported that he gained an appreciation for what human doctors and pharmacists go through with compounded drugs. The workgroup developed recommendations to be submitted to the Chairmen of the House of Delegates' Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2014.

ELECTION OF OFFICERS:

On properly seconded motion by Dr. Johnson, the Board voted unanimously to nominate Dr. May as the Board President for a one year term beginning on January 1, 2015, and ending on December 31, 2015. The motion carried.

On properly seconded motion by Dr. May, the Board voted unanimously to nominate Dr. Rucker as the Board Vice-President to begin with immediately as the previous Board Vice President no longer serves on the His term will end on December 31, 2015. The motion

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carried.

On properly seconded motion by Dr. May, the Board voted unanimously to nominate Dr. Hillyer as Board Secretary for a one year term beginning on January 1, 2015, and ending on December 31, 2015. The motion carried.

2015 MEETING CALENDAR: On properly seconded motion by Dr. May, the Board voted unanimously to approve the calendar for the meetings in 2015 as presented.

EXECUTIVE DIRECTOR'S REPORT: Ms. Knachel reported on statistics and the budget.

NEW BUSINESS: Ms. Knachel asked the Board to consider establishing an Ad Hoc Committee on Drug Control. The Board discussed the composition of the committee and determined that it should include a representative from the VVMA, the VALVT, and the Board of Pharmacy and two board members. Dr. Rucker and Dr. Johnson volunteered to serve as the Board representatives. The first meeting will occur in November.

Dr. Johnson appointed Drs. Gottschalk and Hillyer and Ms. Singleton to the Legislative/Regulatory Committee. Ms. Knachel stated this committee should meet before next board meeting.

ADJOURN: There being no further business the Board adjourned at 1:48 p.m.

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Mark A. Johnson, DVM, President

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Leslie L. Knachel, MPH, Executive Director

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