

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
DRAFT MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 4
HENRICO, VA
FEBRUARY 16, 2016

TIME AND PLACE: A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.

PRESIDING OFFICER: Bayard Rucker, DVM, President

MEMBERS PRESENT: Kelly Gottschalk, DVM
Autumn Halsey, LVT
Ellen Hillyer, DVM
Joseph May, DVM
Mark Johnson, DVM

MEMBERS NOT PRESENT: Carole Stadfield, Citizen Member

QUORUM: With six members of the Board present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Charis Mitchell, Esq., Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Lisa Hahn, MPA., Chief Deputy Director
Terri Behr, Operations Manager
Brandy Latvala, Administrative Assistant

OTHERS PRESENT: Lee Henkel
Susan Seward
Taryn Singleton

ORDERING OF AGENDA: Ms. Knachel requested to add the presentation of a plaque to Ms. Singleton, LVT, for her years of service on the Board following the "Ordering of Agenda" item. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to add the additional item to the agenda as requested.

PRESENTATION OF PLAQUE: Ms. Knachel presented Ms. Singleton with a plaque to honor her eight years of service to the Commonwealth of Virginia as a member of the Board of Veterinary Medicine.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to approve the minutes of the following meetings:

- Inspection Committee Meeting – April 28, 2015
- Legislative/Regulatory Committee Meeting – June 30, 2015
- Public Hearing – December 2, 2015

CONSIDERATION TO AMEND PREVIOUSLY ADOPTED MINUTES: Ms. Knachel explained that the Board voted during the October 22, 2015, board meeting to amend the minutes of the July 15, 2015, meeting as presented. However, the July 15, 2015, minutes contained an omission which resulted in the October 22, 2015, amendment. This amendment needs

to be reconsidered. She asked the board to consider amending the previously adopted minutes by adding to the first bullet under “Policy questions for Board’s consideration” the following statement: “For veterinary care provided under a restricted permit limited to a small animal establishment, house call practice, surgery must be performed within an approved surgical suite.”

On properly seconded motion by Dr. Johnson, the Board voted unanimously to approve this block of minutes with the recommended amendment to the minutes of July 15, 2015.

Ms. Yeatts suggested that the policy questions in the minutes of July 15, 2015, be added to the Board’s next agenda for consideration as a guidance document.

DIRECTOR’S REPORT

Lisa Hahn, the new Chief Deputy Director for the Department of Health Professions, introduced herself to the Board.

LEGISLATIVE/REGULATORY UPDATE:

Legislative Update – Leslie Knachel

Ms. Yeatts provided an update of 2016 legislation that directly and indirectly affects the Board.

Petitions for Rulemaking

Ms. Yeatts reported on the following two Petitions for Rulemaking:

- Euthanasia by veterinarians/Court. The petitioner requests an amendment to the regulations that would prohibit euthanizing a pet against a veterinarian’s recommendation if the pet owner is trying to schedule it and veterinarian is not recommending it.

The Board discussed the petition.

On properly seconded motion by Dr. May, the Board voted unanimously to take no action on the petitioner’s request because the veterinarian has the ability to refuse euthanizing a pet.

- Amendment to definition of surgery/Schlake – The petitioner requests an amendment to the definition of surgery in the regulations to allow veterinary technicians to perform single layer closure of the gingival flap created by a veterinarian.

The Board discussed the petition.

Dr. May made a motion to accept the request which failed for lack of a second.

On properly seconded motion by Dr. Gottschalk the Board voted 5 to 1 to take no action on the petitioner’s request because the definition of surgery only permits an LVT to skin closures and oral mucosa is not skin. The motion passed.

Regulatory Actions

Ms. Yeatts reported on the following regulatory actions for the Board’s consideration:

- **Use of the term “specialist”** – Public comments were reviewed

and discussed. Based on the comments, Ms. Yeatts recommended that the Board consider an amendment to the definition of specialist to require that the individual has “been awarded and maintains the status of a...” in order to use the term specialist.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the final regulations for use of the term specialist to include the recommended amendment.

- **Increase in CE hours for veterinary technicians** – Public comments were reviewed and discussed.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to adopt the final regulations for increasing the continuing education hours from 6 to 8 for licensed veterinary technicians.

- **Elimination of restriction on practical training only in final year of veterinary school** – Public comments were reviewed and discussed.

On properly seconded motion by Dr. Gottschalk, members of the Board voted unanimously to adopt the final regulations for 18VAC150-20-130 related to the elimination of the restriction on practical training only in the final year of veterinary school.

Dr. Gottschalk made a motion that was seconded to adopt the final regulations for elimination of restriction on practical training only in final year of veterinary school and informed consent for surgery.

The Board discussed the final regulation.

Dr. May made a substitute motion to delete 18VAC150-20-173(C) related to requirement for informed consent if a student is to perform surgery. The motion failed for lack of a second.

The Board voted five to one on the original motion made by Dr. Gottschalk to adopt the final regulations for elimination of restriction on practical training only in final year of veterinary school and informed consent for surgery. The motion passed.

- **Notice for Intended Regulatory Action for Periodic Review (NOIRA)** – Public comments were reviewed and discussed. The following actions were taken:

18VAC150-20-10 – On properly seconded motion by Dr. Hillyer, the Board voted unanimously to add a definition of veterinary technician to mean a person licensed by the Board pursuant to § 54.1-3805 of the Code of Virginia.

18VAC150-20-110(B)(2) – On properly seconded motion by Dr. Johnson, the Board voted unanimously to change “certification” to “verification.”

18VAC150-20-115(2)(c) – On properly seconded motion by Dr.

Gottschalk, the Board voted unanimously to change “certification” to “verification.”

18VAC150-20-121(2) – On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to insert following “clinical practice” the words “as a licensed, registered or certified veterinary technician.”

18VAC150-20-172(B) – Dr. May made a motion to delete 18VAC150-20-172(B). The motion failed for lack of a second.

On a properly seconded motion by Dr. Gottschalk, the Board voted to change the second sentence to “An assistant shall not be delegated the induction of sedation or anesthesia by any means. The monitoring of a sedated patient not fully recovered from anesthesia may be delegated to an assistant if a veterinarian remains on the premises.”

18VAC150-20-172(C) – Dr. May made a motion to keep “include but are not limited to the following.” The motion failed for lack of a second.

18VAC150-20-172(E) – On a properly seconded motion by Dr. May, the Board voted unanimously to add after “physical therapy” the words “therapeutic laser treatments” in the format recommended by board counsel following a review of the applicable laws and regulations.

- **18VAC150-20-190(C)(2)** – Dr. May made a motion to keep the original wording. The motion failed for lack of a second.
- **18VAC150-20-190(E)** – On a properly seconded motion by Dr. May the Board voted unanimously to amend the subsection to read “Schedule II – V drugs shall be destroyed in compliance with applicable local, state, and federal laws and regulations. If Schedule II through V drugs are to be destroyed, a DEA drug destruction form shall be fully completed and used as the record of all drugs to be destroyed. A copy of the destruction form shall be retained at the veterinarian practice site with other inventory records.”
- **18VAC150-20-190(F)** - On properly seconded motion by Dr. Johnson, the Board voted unanimously to move last sentence as proposed “The stock of drugs shall be reviewed frequently and expired drugs removed from the working stock of drugs at the expiration date” to a separate subsection. In addition, insert the word “all” after “The stock of” and insert “and shall not be used” after “... at the expiration date.” [Note: The subsections will be re-lettered as appropriate.]
- **18VAC150-20-190(J)** – On properly seconded motion by Dr. May, the Board voted unanimously to rearrange the subsection to read: “Inventories and records, including original invoices, of Schedule II drugs shall be maintained separately from all other records. A continuous inventory shall accurately indicate the physical count of each Schedule II drug in the general and working stocks at the time

of performing the inventory. A continuous inventory of all Schedule II drugs received, administered or dispensed, with reconciliation at least monthly. Reconciliation requires an explanation noted on the inventory for any difference between the actual physical count and the theoretical count indicated by the distribution record.

- **18VAC150-20-195(G)** – On a properly seconded motion by Dr. Hillyer, the Board voted unanimously to reorder the contents of the medical record by moving current (G)(2) to follow current (G)(4).
- **18VAC150-20-200(A)(5)(b)** – On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to insert the word “individual” before “radiation exposure badges.”

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt as proposed regulations the draft regulations with the approved amendments.

DISCUSSION ITEMS:

Policy Questions for Consideration

Administration of controlled drugs by an unlicensed assistant.

Ms. Knachel stated that she has received questions related to §54.1-3409 of the Drug Control Act regarding the sentence “He may administer drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.” The inquirers were asking for clarification on the meaning of “direction and supervision.” Ms. Knachel will consult with board counsel on this issue and report back to the Board.

Administration of controlled drugs during boarding/hospitalization.

Ms. Knachel stated that she has received several questions regarding who is authorized to administer controlled drugs during boarding or hospitalization at a veterinary facility. She will consult with board counsel on this issue and report back to the Board.

Veterinarians providing stock drugs for administration/dispensing by pet establishments/board facilities.

Ms. Knachel stated that she has been made aware that veterinarians may be providing stock drugs to pet stores and boarding facilities for administration to animals under written protocols similar to the process allowed by the Code of Virginia for public or private shelters. In addition, pet stores may be dispensing the drugs to owners at the time of purchasing a pet. She indicated that there is no allowance in the Drug Control Act for pet store owners or employees to possess a general stock of drugs for administration and dispensing. Ms. Knachel suggesting adding a clarification regarding this issue to Guidance Document 150-13: *Controlled Substances in Veterinary Practices*. She indicated that the Board could approve updating the guidance document at this meeting and she will distribute to the Board members prior to posting to ensure accuracy.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to update Guidance Document 150-13 as recommended.

Performance of cystocentesis by unlicensed assistants.

Ms. Knachel stated that she received a question as to whether an unlicensed assistant may perform cystocentesis. Guidance Document 150-2: *Guidance on Expanded Duties for Licensed Veterinary Technicians* states the following:

Q: *May an LVT perform cystocentesis?*

R: *The Board's answer to this question is yes. An LVT may perform Cystocentesis.*

The Board unanimously agreed that the performance of cystocentesis cannot be performed by unlicensed assistants because it is invasive, and if done incorrectly could perforate an internal organ.

Follow-up from Board meeting held on 10/22/15

- **Faculty License Research** – Ms. Knachel reported that she and Ms. Yeatts spoke with Dean Clarke and Dr. Swecker, Veterinarian-in-Charge for the animal clinic, at the Virginia-Maryland College of Veterinary Medicine regarding faculty licensure. Based on this conversation and subsequent conversations with the college's legislative representative following introduction of 2016 legislation related to this issue, all believe that licensing faculty will proceed in a cooperative manner.
- **Guidance Document 150-9: Medical Recordkeeping** – Ms. Knachel stated that during its last meeting the Board asked her to rewrite a response regarding recording conversation with owners. Guidance from board counsel indicated that the recording of conversations from owners is not a requirement in the current laws or regulations. Therefore, the guidance document cannot include this information. If desired, the Board can amend its regulations to add a requirement to record owner conversations.
- **Veterinary technician application changes** – Ms. Knachel stated that a review of the application identified that it is used for licensure by examination and endorsement. Therefore, changes cannot be made at this time. However, the application will be moving in the near future to an online process and will be updated at that time.

Update to Guidance Document 150-8: Disposition of Cases Involving Practicing on an Expired License or Permit

Ms. Knachel stated that this guidance document was updated to reflect the reinstatement fee adjustment that became effective on September 9, 2015.

American Association of Veterinary State Boards (AAVSB)

- **Funded delegate for annual meeting** – Ms. Knachel stated that the annual meeting for the AAVSB will be in September. She asked to please let her know if any board member is interested in attending as the voting delegate or Virginia. The AAVSB covers the travel and registration fees for one voting delegate from each member board. Ms. Knachel will be attending as a member of the AAVSB Board of Directors.
- **Call for nominations** – Ms. Knachel stated that AAVSB has asked for nominations for open positions as provided in the agenda

package. Please contact her if a board member has a recommendation.

- **Call for annual meeting topics** – Ms. Knachel stated that the AAVSB has asked for recommendations for annual meeting topics. Please contact her if a board member has a recommendation.

Equine Dental Certifying Entities Committee Report

Dr. Rucker reported that the AD Hoc Committee met once and is working on a guidance document regarding the practice of equine dental technology. In addition, it will continue its discussion on criteria for approving equine dental certifying organizations.

Information from the Federal Wildlife Service (FWS) Disposal of Deceased Animals

Ms. Knachel reported that she had been contacted by a representative from the FWS regarding the disposal of euthanized animals in landfills. The FWS representative indicated that several bald eagles had died from drugs ingested following the scavenging of uncovered euthanized animals in a landfill. The FWS representative directed Ms. Knachel to the American Veterinary Medical Association's guidelines regarding federal fines for the improper disposal of euthanized animals in landfills when the remains contain chemical residues. The Board requested that Ms. Knachel send out an email communication to the licensees regarding this matter.

EXECUTIVE DIRECTOR'S REPORT:

Meeting schedule

Ms. Knachel reported that the Board added March 17, 2016, to its calendar to conduct formal hearings. She also indicated due to additional anticipated formal hearings, other meeting dates may need to be scheduled. The Board will be kept updated on this issue.

Statistics

Ms. Knachel updated the Board on the current numbers for licensees in all categories and the current revenue and expenditure figures.

Outreach

Ms. Knachel stated that she made a licensure presentation on February 3, 2016, to the veterinary technician students at Blue Ridge Community College. In addition, she and Dr. Rucker will be making a licensure presentation to the veterinary students at Virginia Tech on February 26, 2016.

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

The meeting adjourned at 3:16 p.m.

Dr. Rucker also welcomed the Board's newest member, Autumn Halsey, LVT.

Bayard A. Rucker, III, DVM
Chair

Leslie L. Knachel, M.P.H
Executive Director

Date

Date

DRAFT