

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPT. OF HEALTH PROFESSIONS
RICHMOND, VA
NOVEMBER 9, 2005

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine was called to order at 9:00 a.m. at the Dept. of Health Professions, 6603 W. Broad St., Richmond, VA
- PRESIDING OFFICER:** John T. Wise, DVM, President
- MEMBERS PRESENT:** Henry McKelvin, DVM
Rebecca Lakie, LVT
George Siemering, DVM
Jana Froeling, DVM
James DeBell, DVM
Dorothy Blackwell
- STAFF PRESENT:** Elizabeth A. Carter, Ph.D.
Terri Behr, Administrative Assistant
Emily Wingfield, Assistant Attorney General
Sammy Johnson, Deputy Dir. of Enforcement
Faye Lemon, Dir. of Enforcement
Marta Ishmael, Inspector
Ann Tiller, Compliance
Lynne Helmick, Inspector
Peggy Call, Health Practitioner Intervention Program Coordinator
Susan Beasecker, Compliance
Ralph Orr, Deputy Dir. Pharmacy
Lee Ellis, Inspector
Shannon Roberson, Enforcement
- OTHERS PRESENT:** Taryn Singleton, LVT, Va. Assoc. of Licensed Veterinary Technicians
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Ms. Blackwell, the Board voted unanimously to approve the minutes, as presented, of the meetings of July 27, 2005, August 10, 2005 and August 11, 2005.
- AAVSB REPORT:** Dr. Siemering reported on his attendance at the AAVSB annual meeting in Kansas City, MO. Dr.

Siemering stated that the minutes of the AAVSB meeting in the agenda gives most of the information, but that he wanted to add a couple of comments. He stated that he believes that some of the best information comes from Dale Atkinson, who is Counsel for the AAVSB. Dr. Siemering reported that Dale Atkinson discussed the following topics at the meeting:

- Lobbying legislatures in Oregon and Nevada;
- Public awareness of individual votes on disciplinary cases;
- Routine criminal background checks for applicants;
- Mechanisms for appeal by denied licensure applicants; and
- Veterinarian accountability for a diagnosis based radiographic readings performed by a radiologist

Dr. Siemering also stated that the AAVSB Model Practice Act is a very good model and that perhaps this Board should review it at one of our meetings.

MISCELLANEOUS ITEMS:

Ms. Lakie brought up the issue regarding veterinary hospitals acting as pharmacies. Dr. Carter stated that this is prohibited because the statute prohibits it. Only pharmacies licensed by the Board of Pharmacy can act as pharmacies. A veterinary hospital can only dispense to its own clients because it is not licensed as a pharmacy. Prescription foods and shampoos are exempt from this prohibition though because they are not covered by the Drug Control Act. As there appears to be some confusion among the veterinary community, this information will be included in the newsletter.

Dr. Carter informed the Board that the contract has been finalized for the administration of the Veterinary Technician National Board Exam in January at both AVMA accredited schools in Virginia. This will be the first time that the exam has been administered by Virginia in January, as well as in June.

BOARD DISCUSSION:

Letter from Pam Dumont, DVM

The Board discussed a letter from Dr. Dumont inquiring if she needs to have a separate permit

for St. Francis Pet Resort and Rehabilitation Center which is connected to a permitted facility called Godspeed Animal Care. She stated that rehabilitative services will be provided at St. Francis under the direction of a veterinarian. Both businesses are owned by Dr. Dumont, although they are two separate C-Corporations and file taxes separately. The Board determined that Dr. Dumont does need a separate permit for St. Francis Pet Resort and Rehabilitation Center as veterinary practice occurs at each and each facility is held out to the public under a different title.

Dr. Dumont also inquired if physical therapists become certified in Canine Rehab, can they practice apart from a veterinary facility? The Board's response is that they cannot practice separate from the supervision of a veterinarian at a veterinary facility as it would be in violation of the Practice Act.

AGENCY REORGANIZATION:

Mr. Nebiker advised the Board that the agency is going through a fairly extensive strategic planning and budget process that has been going on for about 5 months in anticipation of submission of the Governor's Executive Budget to the General Assembly on December 15th. Mr. Nebiker explained that, as part of that process, the agency develops its budget and it goes to the Board of Health Professions for their approval. We should know by April what our authorization is to spend money for the biennium beginning on July 1, 2006. The agency is proposing to hire a new executive director and realign the assignments of some of the other executive directors. The proposed arrangement will have Board Executive "A" responsible for the Boards of Optometry and Health Professions, Board Executive "B" will be responsible for Veterinary Medicine and Funeral Directors and Embalmers, Board Executive "C" will be responsible for the Board of Dentistry, and the new Board Executive will be responsible for Long Term Care Administrators, Physical Therapy, and Audiology and Speech Language Pathology. If this proposal is approved, it will most likely be implemented by July 1, 2006.

**QUESTION/ANSWER SESSION
ON DRUG ISSUES:**

Dr. Carter advised the Board that there has been a sharp increase recently in the number of drug diversion and security cases. We have received 13 cases just this year, to date. They appear to be evenly distributed across the state. Recognizing drug abuse and diversion issues in the general population and among staff at veterinary facilities, both licensed and unlicensed, is paramount. Dr. Carter stated that the Board needs to learn more about the Health Practitioners Intervention Program (HPIP) and the resources available to the Board.

Peggy Call, HPIP Coordinator, gave an overview of HPIP and stated that anyone who is a licensee with an impairment, either mental, physical or due to substance abuse, is eligible to participate. Ms. Call explained the chain of events when a licensee goes into HPIP, whether it is self enrollment or through ordered enrollment. She provided a copy of the HPIP Participation Contract so that members could see what is expected of the licensee. Ms. Call addressed the entire protocol for participation and the costs involved in enrollment.

Susan Beasecker and Ann Tiller explained how the Compliance Unit of the Department works, Order terms are monitored, and how compliance is reported.

Sammy Johnson discussed some of the drug issues that inspectors encounter when they are conducting inspections. Inspectors Marta Ishmael and Lynne Helmick added to the discussion with some of their observations, concerns and questions. Mr. Johnson also explained what a drug audit is and what it entails. He stated that they are not routinely conducted because of the time and expense involved, but Ms. Tiller pointed out that the Board can order a drug audit. Dr. Siemering suggested a guidance document explaining the entire drug recordkeeping and security protocol.

Ralph Orr, with the Board of Pharmacy Prescription Monitoring Program, explained the program to the Board and that it is now statewide.

BOARD DISCUSSIONS CON'T:

Dr. Wise informed the Board that the VVMA has again asked the Board to participate in a panel discussion at the VVMA annual meeting at the Hotel Roanoke in February 2006. On properly seconded motion by Ms. Lakie, the Board voted unanimously to attend and participate in the panel discussion.

The Board discussed an email from Theresa Pesce in which she asked the Board if the term "Pet Massage Practitioner" is an accepted title that she could utilize when referring to her canine massage business. The Board deemed that this title could be misleading and construed as the unlicensed practice of veterinary medicine. As the Practice Act is very broad, they stated that she should contact her attorney. Dr. Carter will relay the Board's position to Ms. Pesce.

The Board reviewed a letter from the International Assoc. of Animal Massage and Bodywork inquiring about the status and legality of people who would like to practice small animal massage in Virginia. On properly seconded motion by Dr. Siemering, the Board voted unanimously to table the discussion on this request until the next meeting when they have had more time to review the letter.

2006 CALENDAR

The Board set its 2006 calendar as follows:

(IFC's = Informal Conferences)

January 18, 2006 – Equine Dentistry Committee

January 19, 2006 – IFC's – Richmond

February 1, 2006 – Board mtg. – Roanoke

February 2, 2006- IFC's – Roanoke

March 23, 2006 – IFC's – Richmond

April 13, 2006 – IFC's – Richmond

May 24, 2006 – Board mtg. – Richmond

May 25, 2006 – IFC's – Richmond

June 15, 2006 – IFC's – Richmond

July 13, 2006 – IFC's – Richmond

August 9, 2006 – Board mtg. – Richmond

August 10, 2006 – IFC's – Richmond

September 21, 2006 – IFC's – Richmond

October 18, 2006 – IFC's – Richmond

November 15, 2006 – Board mtg. – Richmond

November 16, 2006 – IFC's – Richmond

**UPDATE ON SANCTION
REFERENCE STUDY:**

Neal Kauder updated the Board on the status of the Sanction Reference Study that is being conducted by the Board of Health Professions for the Board of Veterinary Medicine. He stated that some edits have been made after obtaining feedback from the Ad Hoc Committee and from Dr. Carter. Ms. Kauder stated that they will begin data collection from case files in December and anticipate having the data coded and analysis completed by March 2006.

**EXECUTIVE DIRECTOR'S
REPORT:**

Dr. Carter reported on the status of the newsletter that she is working on and provided the Board with a draft copy for their review and approval. She asked Dr. Wise for a President's Message which includes some of the drug issues the Board is currently dealing with. Dr. Carter asked if they wanted to adopt a guidance document regarding the protocol to follow upon discovery of a loss or theft of drugs. On properly seconded motion by Dr. McKelvin, the Board voted unanimously to adopt a guidance document as suggested by Dr. Carter, to wit:

Whenever a theft or any other unusual loss of any controlled substance is discovered, the Veterinarian-in-Charge is to immediately report such theft or loss to all of the following:

- 1. Virginia Board of Veterinary Medicine in writing;*
- 2. U.S. Drug Enforcement Agency and*
- 3. Local Police.*

If the Veterinarian-in-Charge is unable to determine the exact kind and quantity of the drug loss, he shall immediately make a complete inventory of all Schedules I through V drugs.

Dr. Wise suggested having a guidance document to assist practitioners with their drug recordkeeping and suggested discussing this at the next meeting.

Dr. Carter mentioned that the prescription pad

format changes go into effect on July 1, 2006 and can be found in the Drug Control Act. Licensees should go directly to the Board of Pharmacy with questions related to this.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 1:50 p.m.

John T. Wise, DVM, President

Elizabeth A. Carter, Ph.D., Executive Director