

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES OF FULL BOARD  
DEPARTMENT OF HEALTH PROFESSIONS  
HENRICO, VA  
OCTOBER 18, 2011**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:10 a.m. at the Department of Health Professions (DHP), Perimeter Center, Henrico, Virginia.
- PRESIDING OFFICER:** Joseph A. May, DVM, President
- MEMBERS PRESENT:** Mark Johnson, DVM  
James DeBell, DVM  
Taryn Singleton, LVT  
Kelly Gottschalk, DVM  
Constance Pozniak, DVM  
Carole Stadfield
- STAFF PRESENT:** Leslie Knachel, Executive Director  
Terri Behr, Operations Manager  
Charis Mitchell, Assistant Attorney General, Board Counsel  
Elaine Yeatts, Senior Policy Analyst
- OTHERS PRESENT:** Robin Schmitz, Virginia Veterinary Medical Association  
**Anne Lynch**
- ORDERING OF AGENDA:** On properly seconded motion by Dr. Pozniak, the Board voted unanimously to amend the agenda by adding an introduction of the board's new counsel, Ms. Mitchell, and to add an update on the upcoming renewal cycle under Executive Director's Report. On properly seconded motion by Dr. Pozniak, the Board voted unanimously to approve the agenda with the above additions.
- PUBLIC COMMENT:** No public comment was presented.
- INTRODUCTION OF BOARD COUNSEL:** Dr. May introduced the Board's new counsel, Charis Mitchell, to the Board.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the minutes of the Board meeting of May 17, 2011, as presented.
- On properly seconded motion by Ms. Singleton, the Board voted unanimously to adopt the minutes of the Formal Hearing of May 17, 2011 as presented.
- On properly seconded motion by Dr. Pozniak, the board voted unanimously to adopt the minutes of the Formal Hearing of June 21, 2011, as presented.
- On properly seconded motion by Dr. May, the board voted unanimously to adopt the minutes of the conference call of August 23, 2011, as presented.
- LEGISLATIVE/REGULATORY UPDATE:** Ms. Yeatts provided the following regulatory updates:

- **Requirements for the Destruction of Controlled Drugs** – if there are no objections during the comment period ending December 7, 2011, the regulations will go into effect on December 22, 2011.
- **Unprofessional Conduct Addition** – the regulatory action remains in the Governor’s office for approval after having been there for 60 days.
- **Fee Increase** – the regulatory action remains in Secretary’s office after having been there for 235 days. She added that the Board’s cash deficit continues to grow.

**PETITION FOR RULEMAKING:**

Ms. Yeatts presented a Petition for Rulemaking, submitted by Denette Cook, DVM, requesting the inclusion of acupuncture, chiropractic and herbal medicines in the practice act to ensure continuing education (CE) in such modalities is accepted. Dr. Cook indicates that the Registry for Approved Continuing Education (RACE) within the American Association of Veterinary State Boards (AAVSB) is no longer approving CE for alternative veterinary medicine. Ms. Yeatts stated the request was not technically a Petition for Rulemaking because it would involve a legislative change instead of a regulatory change. Following an update and discussion on RACE approval of alternative veterinary medicine and a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to deny Dr. Cook’s petition. The petition is denied because it requests a change to the Code of Virginia and not regulations and because the regulations currently offer other methods for approval of alternative veterinary medicine CE.

**DISCUSSION ITEMS:**

**UPDATE ON RACE APPROVAL OF ALTERNATIVE VETERINARY MEDICINE CONTINUING EDUCATION**

Ms. Knachel reported that there had been a lot of discussion at the September 2011 AAVSB annual meeting related to the issue of RACE not approving complementary and alternative veterinary medicine (CAVM) CE. She reported that states are upset because they were not told about changes in RACE’s approval criteria for previously approved CAVM courses. The AAVSB annual meeting included a presentation and panel discussion regarding CAVM. Ms. Knachel stated that members of the panel indicated that a CAVM course must be scientifically based in order to receive approval. The Board discussed that CAVM CE courses have been accepted and will continue to be accepted if sponsored by one of the entities listed in the Board’s regulations. Ms. Knachel stated that she has a copy of the presentation if the board members would like to review. The request was made for her to send it to all board members.

**INSPECTION COMMITTEE REPORT**

Ms. Singleton reported that the Inspection Committee (IC) met on September 20, 2011. She stated that the goal of the IC is to update the inspection process and to eventually progress to a ticketing process similar to the one that the Board of Pharmacy (BOP) currently uses.

Ms. Knachel provided the Board with a history of the inspection process. She stated that three of the boards housed within DHP, pharmacy, funeral directors and embalmers and veterinary medicine, currently conduct routine inspections. She stated that the BOP piloted an inspection process that involves issuing tickets for violations based on the number and type of deficiencies found during an inspection. She stated that the eventual goal is for the Board to adopt a similar ticketing process.

Ms. Knachel stated that the IC has worked on updating the current inspection form which was last revised in 1997. The new inspection form is designed to be used on an electronic tablet. The inspection form will eventually have a corresponding guidance document approved by the Board. The guidance document will be developed with both the inspection and licensee in mind to help ensure clarity and consistency in the inspection process. The major/minor column on the new form will be used in the ticketing process that will be implemented in the future. Ms. Knachel indicated that the development and approval of forms is delegated in the bylaws to the executive director. This flexibility is necessary in case a form needs to be tweaked. However, she stated that with the inspection form the major/minor column is a policy decision that requires approval by the Board. She stated that the ticketing process will not be implemented until further policy decisions are made by the Board and adequate education is provided to the licensees. The expected timeline is to have all policy decisions completed by the spring.

On properly seconded motion by Dr. Gottschalk, the Board voted to accept the “major/minor” column as presented.

#### **REQUEST TO STORE DENTAL UNIT IN SURGERY SUITE**

The Board discussed a letter from Joanne Kline, DVM, in which she requested that the Board provide an exemption for her to store a dental unit in the surgery suite at her facility. Dr. Kline stated that she does not perform dentals in the surgery suite, but does use the unit for some surgical procedures such as gingival flaps, extractions, burring tooth roots, etc., so considers the unit to be “equipment normally related to surgery and surgical procedures.” Dr. Kline also stated that her facility is very small and she does not have a good place to store it.

The Board directed Ms. Knachel to send Dr. Kline a letter asking her to try to find another place to store the dental unit outside of the surgery suite. The letter should also state that if Dr. Kline wishes to continue with the request for an exemption, she needs to send in further documentation, i.e. diagram of the layout of her facility, pictures, etc. for further consideration by the Board.

#### **ANESTHESIA FREE DENTISTRY**

The Board discussed the issue of websites advertising

anesthesia free dentistry done by non-veterinarians. It appears that franchises are being set up in other states offering these services, but there is no indication that they exist in Virginia yet. The Board will continue to monitor this issue.

## **GUIDANCE DOCUMENTS**

### **Internships/externships**

The Board discussed a draft guidance document on internships/externships and suggested some modifications to the document. On properly seconded motion by Dr. Gottschalk, the Board voted to adopt the document with suggested modifications and to have Ms. Knachel further develop the document. Ms. Knachel will make expand the guidance document and present at the next board meeting.

### **Disclosure Forms**

The Board discussed a draft guidance document on disclosure forms and suggested some modifications. Ms. Knachel will further develop the document and present at the next board meeting.

### **Labeling of X-rays and Dental Films**

The Board discussed what a guidance document on labeling of x-rays and dental films should include. It was determined that a regulatory change will be needed. Ms. Knachel stated she will investigate and collect additional data on how digital films and dental films are labeled in human medicine. Dr. May suggested during the next regulatory review consider deleting the requirement for permanent imprinting and stating only what needs to be identified on an x-ray.

### **Drug Destruction**

Ms. Knachel stated that she is working with the BOP to clarify reports of conflicting drug destruction information.

### **Microchip Injections**

The Board discussed the current guidance document and decided that no changes are needed.

## **UPDATE ON PROBABLE CAUSE REVIEWS**

Ms. Knachel reported that the board is making the move towards using alternative ways to send cases to board members. She stated that large cases would be scanned to a disc and mailed and that smaller cases would be scanned and emailed. This is being done as a cost saving measure for the Board.

## **DELEGATION OF AUTHORITY TO CLOSE CERTAIN CASES**

Ms. Knachel asked the Board to review its current policy that delegated the authority to the executive director to close cases that involve fee disputes or other non-jurisdictional issues not related to standard of care. She asked that the Board minutes reflect the policy position of the Board on this matter.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to delegate to the Executive Director the authority to close non-jurisdictional and fee dispute cases without review by a board member.

**UPDATE ON INVESTIGATIVE PROCESS:**

Faye Lemon, Director of Enforcement, introduced Ms. Pam Twombly as the new Deputy Director of Enforcement.

Ms. Lemon discussed and disseminated copies of a power point presentation which detailed the investigative process.

**ELECTION OF OFFICERS:**

On properly seconded motion by Dr. Pozniak, the Board voted unanimously to elect Dr. Gottschalk as Board President.

On properly seconded motion by Dr. May, the Board voted unanimously to elect Dr. Pozniak as Vice President.

On properly seconded motion by Dr. May, the Board voted unanimously to elect Ms. Singleton as Secretary.

**2012 CALENDAR:**

The Board reviewed the proposed calendar of meetings for 2012. A suggestion was made to move the June board meeting to May. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the 2012 calendar with the revision of holding the full board meeting in May as opposed to June.

January 10, 2012 – Informal Conferences  
February 15, 2012 – Full Board Meeting  
February 16, 2012 – Informal Conferences  
March 21, 2012 – Informal Conferences  
April 19, 2012 – Informal Conferences  
May 16, 2012 – Informal Conferences  
May 17, 2012 – Full Board Meeting  
June 14, 2012 – Informal Conferences  
July 17, 2012 – Informal Conferences  
August 22, 2012 – Informal Conferences  
September 20, 2012 – Informal Conferences  
October 17, 2012 – Full Board Meeting  
October 18, 2012 – Informal Conferences  
November 15, 2012 – Informal Conferences

**EXECUTIVE DIRECTOR'S REPORT:**

**NEWSLETTER**

Ms. Knachel reported that the new inspection report has taken precedence over the newsletter at this time.

**AAVSB ANNUAL CONVENTION**

Ms. Knachel reported on her attendance at the AAVSB annual meeting in September.

**BUDGET, STATISTICS, RENEWAL**

Ms. Knachel reported the Board's cash deficit only increased by approximately \$10,000 during the last fiscal year. This minimal increase was the result of cost saving measures that have been implemented by the Board and its staff. She reported on the number of disciplinary cases in process and that the number of licensees has increased

slightly compared to last fiscal year. Ms. Knachel reported that the renewals are on track to be sent out by email to those that have email addresses and paper renewals to those without email addresses.

**NEW BUSINESS:**

**GUIDANCE FOR CE AUDITS AND SANCTIONING FOR FAILURE TO COMPLETE CE**

Ms. Knachel made a suggestion that the Board consider adding to the guidance document a maximum fine for the second CE offense to be consistent with the sanctioning reference point worksheet.

On properly seconded motion by Dr. May, the Board voted unanimously that the maximum fine for a second offense for veterinarians is set at \$2,000.

On properly seconded motion by Ms. Singleton, the Board voted unanimously that the maximum fine for a second offense for a veterinary technician is set at \$1,000.

**ADJOURN:**

There being no further business the Board adjourned at 1:00 p.m.

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Joseph May, DVM, President

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Leslie L. Knachel, MPH, Executive Director