UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
HENRICO, VA
OCTOBER 17, 2012

CALL TO ORDER: A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:30 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Room 4, Henrico, Virginia.

PRESIDING OFFICER: Kelly J. Gottschalk, DVM, President

MEMBERS PRESENT:
Mark Johnson, DVM
James DeBell, DVM
Taryn Singleton, LVT
Joseph May, DVM
Constance Pozniak, DVM

STAFF PRESENT:
Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Brandy Gasparotto, Administrative Assistant
Charis Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Policy Analyst
Arne Owens, Chief Deputy Director
Lee Ellis, DHP

OTHERS PRESENT:
Susan Seward, Virginia Veterinary Medical Association (VVMA)
Robin Schmitz, VVMA

ORDERING OF AGENDA: Ms. Knachel asked that the discussion of "Unlicensed activity violations of 18VAC150-20-140(10) and § 54.1-3807(2) be combined with the discussion of "Disposition of cases involving practicing on an expired license."

Dr. Gottschalk stated that the full Board will adjourn at 11:30 for a Formal Hearing and will reconvene at the conclusion of the hearing.

On properly seconded motion by Dr. Pozniak, the Board unanimously voted to approve the agenda as amended.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Dr. May, the Board unanimously voted to adopt the minutes of the meeting of May 17, 2012, as presented.

AGENCY DIRECTOR'S REPORT: Mr. Owens presented the Agency Director's Report in Dr. Cane's absence. He congratulated Drs. May and Gottschalk on their re-appointments.

Mr. Owens stated that seven tons of drugs were turned on September 29, 2012 during the National Drug Take-Back day. He also stated that the National Governor's Association selected Virginia to participate in a prescription

drug program to develop a more comprehensive strategy to fight prescription drug abuse.

LEGISLATIVE/REGULATORY UPDATE: Ms. Yeatts provided a status update on the two regulatory actions currently in the promulgation process. In addition, she discussed the Governor's Regulatory Reform Project which focuses on identifying regulations that could be made less burdensome and/or eliminated. She indicated that a "Notice of Periodic Review" has been issued pursuant to the Governor's Executive Order 14 and §§ 2.2-4007.1 and 2.2-4017. The comment period begins on November 5, 2012 and ends on December 5, 2012.

The Board discussed the merits of the having the Regulatory/Legislative Committee meet to discuss regulatory suggestions. In addition, Dr. May requested that an email be sent to the licensees of the Board to inform them of the "Notice of Periodic Review" so that they can comment on the current regulations if desired.

On properly seconded motion by Dr. DeBell, the Board unanimously voted to appoint Ms. Singleton, Dr. Johnson and Dr. Gottschalk to the Regulatory/Legislative Committee to make regulation suggestions.

Ms. Yeatts also discussed HB158 from the 2012 General Assembly and draft legislation that amends and reenacts §54.1-3801 of the Code, relating to exceptions to the requirement to hold a veterinary license and to repeal §54.1-2809 of the Code which specifies that a violation of the Chapter on veterinary practice is a Class I misdemeanor.

DISCUSSION ITEMS:

DISPOSITION OF CASES INVOLVING PRACTICING ON AN EXPIRED LICENSE AND UNLICENSED ACTIVITY VIOLATIONS OF 18VAC150-20-140(10) AND § 54.1-3807(2)

Ms. Knachel asked the Board if it wanted to consider any changes to the guidance document. She pointed out that both the veterinary establishment and the veterinarian-in-charge may both be subject to disciplinary action.

The Board discussed the guidance document and made the following suggested changes:

- Add statement under the veterinary establishment portion a statement reflecting the fees associated with 18VAC150-20-185(C); and
- List all fees on guidance document for reinstatement of expired establishment permits.

On properly seconded motion by Ms. Singleton, the Board unanimously voted to accept the discussed changes to the guidance document.

Ms. Knachel indicated that cases involving violations of 18VAC150-20-140(10) and § 54.1-3807(2) will be handled on a case-by-case basis.

DRAFT GUIDANCE DOCUMENTS – VETERINARY PRESCRIPTIONS

Ms. Knachel asked the Board to refer to the guidance document labeled Draft #2. The second draft incorporates changes recommended by representatives from the Board of Pharmacy. She explained that the guidance document addresses the request made at the May 17, 2012, board meeting to develop a guidance document about writing prescription refills and several questions that the Board has received. The Board discussed the contents of the guidance document.

Sammy Johnson, Deputy Director of the Virginia Board of Pharmacy, spoke to the Board regarding wholesale drug distribution and stated that a veterinarian does not have the authority to purchase controlled substances for the purpose of wholesaling. He indicated that a specific license is required in order to wholesale/distribute controlled substances.

Dr. Debell provided information obtained during a pet medication workshop offered by the Federal Trade Commission held on October 2, 2012, in Washington, D.C. the Board discussed the information provided.

On a properly seconded motion by Dr. May, the Board voted to adopt the Draft #2 guidance document on veterinary prescriptions to include changing the word "disposed" to "destroyed" in the second bullet and adding a reference that controlled substances includes Schedule I-VI drugs."

MEETING RECESSED FOR FORMAL HEARING AT 11:30 a.m.
MEETING RESUMED AT 3:20 p.m.

DRAFT GUIDANCE DOCUMENTS – ANESTHESIA FREE DENTAL CLEANINGS

Ms. Knachel presented a draft guidance document on anesthesia-free dentistry for the Board's consideration. The Board discussed the guidance document and board counsel suggested removing the second sentence in the first paragraph.

On a properly seconded motion by Dr. May, the Board voted to adopt the guidance document with the removal of the second sentence and to request that Ms. Knachel conduct research with veterinary dentistry professionals for further development of the guidance document.

USE OF SANCTION REFERENCE POINT (SRP) WORKSHEETS FOR PRE-HEARING CASES

Ms. Knachel informed the Board that they needed to make a policy decision about using SRP worksheets at the pre-hearing level.

On a properly seconded motion by Dr. Debell, the Board voted five to one in favor of using sanction reference point worksheets for pre-hearing cases. The new policy is to

include the SRP worksheet with the probable cause review sheet from now on.

EQUINE DENTAL TECHNICIAN AND LICENSED VETERINARY TECHNICIAN DUAL LICENSURE
Ms. Singleton posed the question to the Board as to whether an individual holding both an equine dental technician registration and a veterinary technology license may accept direct compensation as an equine dental technician without jeopardizing his/her veterinary technician license. The consensus is that as long as the individual is practicing as an equine dental technician direct compensation may be received for equine dental services.

CONTINUING EDUCATION (CE) COURSES OR PROGRAMS RELATED TO TREATMENT AND CARE OF PATIENTS
Dr. May requested that the Board consider broadening its acceptance of certain types of CE courses. He indicated that there are a number of courses that enhance patient safety besides just medical recordkeeping. The Regulatory/Legislative Committee will consider this suggestion.

DEA'S ENFORCEMENT OF THE CONTROLLED SUBSTANCE ACT IN CALIFORNIA
Ms. Knachel stated that a letter from the American Veterinary Medical Association (AVMA) was included in the agenda package for the Board members' review. No action was necessary.

RELATIONSHIP BETWEEN BOARDING FACILITIES AND VETERINARY CLINICS
Ms. Knachel informed the Board that several issues have arisen related to boarding facilities co-located with registered veterinary establishments. She indicated that she is working with the Enforcement Division to ensure information is gathered on the relationship between the kennel and the veterinary establishment to help determine jurisdiction.

TREATMENT OF FERAL CATS
Ms. Knachel indicated there have been a number of questions about ownership as it relates to feral cats. The Board discussed the issue. Susan Seward from the VVMA offered that work groups at the Office of the State Veterinarian are working to define feral cats as separate and apart from companion animals among other issues. Further information will be provided when available.

LETTER FROM AVMA TO VIRGINIA BOARD OF PHARMACY
Ms. Knachel stated that a letter from the AVMA was included in the agenda package for the Board members' review. No action was necessary.

DISPOSITION OF MEDICAL RECORDS FROM A CLOSED FACILITY
Ms. Knachel informed the Board that there have been a

number of situations where veterinary establishments have closed and medical records are not available to the clients. The Board asked that this issue be tabled until the next board meeting and for the Regulatory/Legislative Committee to review the laws and regulations related to this issue.

VIOLATIONS RELATED TO FAILURE TO NOTIFY THE BOARD WHEN NO LONGER ACTING AS THE VETERINARIAN-IN-CHARGE (VIC)

Ms. Knachel informed the Board that the VIC's of veterinary establishments frequently do not inform the Board when no longer acting as the VIC. She indicated that there have been times when a veterinary establishment has gone without a VIC for several months. She stated that this becomes a disciplinary matter when the Board becomes aware of this type of situation.

REPORT ON WAIVER REQUESTS

Ms. Knachel reported the Board does not have authority to grant waivers to veterinary establishments that are unable to comply with the regulations.

REPORT ON AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS' (AAVSB) ANNUAL MEETING

Dr. May reported that he and Ms. Knachel attended the AAVSB annual meeting from September 13-15, 2012 held in Seattle, WA. Highlights of the meeting included the following: an SRP presentation by Ms. Knachel and Dr. Elizabeth Carter; a discussion of legal issues; a presentation on social media; a presentation on programs for impaired professionals from Washington State; and a presentation on the role of education in licensure eligibility.

INSPECTION COMMITTEE (IC) REPORT – ROUTINE INSPECTION UPDATES:

Ms. Singleton reported that the IC met on August 22, 2012 and October 17, 2012, to discuss the veterinary establishment inspection process. She indicated that the next phase of the inspection process was to develop the parameters for the pilot ticketing program. The development of the point assignments and the ranges were discussed. Ms. Knachel indicated that a presentation of the new inspection process will be made at VVMA's annual meeting held in February. Ms. Knachel discussed the policy decision that the Board needed to make regarding limiting routine inspection hours to 800 per year excluding inspections related to a complaint, compliance monitoring, re-inspections for lapsed permit and new establishments and to conduct routine inspections at five year intervals.

On a properly seconded motion by Dr. May, the Board voted to limit routine inspection hours to 800 per year and to conduct routine inspections every five years.

The Veterinary Establishment Inspection Report, Draft #2 was presented to the Board and discussed.

On a properly seconded motion by Dr. Pozniak, the Board voted to adopt Draft#2 of the Veterinary Establishment Inspection Report with the proposed changes as presented by the IC. The changes are the following:

- Adding “not a photo copy” to Item #1
- Changing “disposed” to “destroyed” in Item #10

Ms. Singleton presented and the Board discussed the guidance document related to the pilot ticketing program.

On a properly second motion by Dr. May, the Board voted to adopt the draft guidance document with the proposed change of the point range under VIC from “0-15” to “11-15.”

EXECUTIVE DIRECTOR’S REPORT

Ms. Knachel reported on board statistics. She indicated that there were a number of issues discussed at the board meeting that will make good newsletter articles.

NEW BUSINESS

APPROVAL OF PROPOSED 2013 BOARD CALENDAR

Dr. Gottschalk discussed the proposed 2013 Calendar and suggested the first Board meeting be moved to early February.

On a properly seconded motion by Ms. Singleton, the Board unanimously voted to approve the calendar with suggested change.

ELECTION OF OFFICERS

On a properly seconded motion by Dr. DeBell, the Board voted unanimously to appoint Ms. Singleton as the new President of the Board.

On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to appoint Dr. Johnson as the new Vice-President.

On a properly seconded motion by Ms. Singleton, the Board voted unanimously to appoint Dr. Pozniak as the new Secretary.

ADJOURN:

There being no further business the Board adjourned at 5:05 p.m.

_____

Kelly J. Gottschalk, DVM, President

_____

Leslie L. Knachel, MPH, Executive Director