

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
NOVEMBER 14, 2007**

CALL TO ORDER: A quorum of the Board of Veterinary Medicine was called to order at 9:10 a.m. at the Department of Health Professions, Richmond, VA

PRESIDING OFFICER: George H. Siemering, DVM – President

MEMBERS PRESENT: Henry McKelvin, DVM
Taryn Singleton, LVT
Jana Froeling, DVM
John Wise, DVM
James DeBell, DVM
Dorothy Blackwell

STAFF PRESENT: Elizabeth Young, Executive Director
Terri Behr, Operations Manager
Sandra Ryals, Director, Dept. of Health Professions
Emily Wingfield, Chief Deputy Director, Dept. of Health Professions
Elaine Yeatts, Senior Policy Analyst
Jack Kotvas, Assistant Attorney General

OTHERS PRESENT: Melinda Freckleton, DVM
Susan Seward, Va. Veterinary Medical Assoc.
Ken Fletcher
Kelly Anderson, LVT
Mike Stanford, DVM
Betty Jo Speas, LVT

PUBLIC COMMENT: There was no public comment.

IMPLEMENTATION OF EQUINE DENTAL TECHNICIAN REGULATIONS: Ms. Ryals addressed the Board and attendees regarding receipt of four letters that were received at the office of the Board of Veterinary Medicine at 4:30 p.m. on November 13, 2007. The letters were from Delegate Edward T. Scott (Attachment #1), the Virginia Equine Dental Technicians Association (Attachment #2), the Association of Equine Practitioners (Attachment # 3), and the Virginia Veterinary Medical Association (Attachment #4). She stated that the Governor and Secretary Tavener appreciate the Board's hard work on fast

track regulations to implement the new legislation regarding registration of equine dental technicians. Ms. Ryals explained that the regulatory process is quite lengthy, but the fast track approach, which was agreed upon by the Board and the stakeholders, allows for a much speedier implementation and would allow for the regulations to go into effect on November 29, 2007. She stated that there are some issues contained in the four letters which could derail the fast track and require additional modifications. She further explained that there are some options available to the Board as to how to proceed in the best interest of all involved and these will be further explained by Ms. Yeatts.

Ms. Yeatts addressed the Board and attendees and explained exactly how the fast track process works. She explained that in order for the Board to consider the comments received late on November 13, 2007, and make changes to the regulations, they would have to revert from the fast track process and go through the regular regulatory process. She stated that the first option would be for the Board to withdraw the fast track action, consider the regulations as a notice of intent, refer the comments contained in the four letters back to the Ad Hoc Committee for consideration for adoption of proposed regulation, and then move forward from there which would be at least another twelve month process. Ms. Yeatts explained that the second option available to the Board would be to allow the fast track regulations to proceed to become effective November 29, 2007 and to adopt a NOIRA to consider the comments contained in the four letters. This action would allow the Board to move forward with amending those regulations based on the comments.

Dr. Freckleton apologized to the Board for the appearance of submitting letters at the last minute and stated that it was not the intention of the VVMA or the VAEP to send these in at the last minute. She stated that the Board meeting of the VVMA was held the previous week and the time was needed to formulate their position.

On properly seconded motion by Dr. Froeling, the

majority of the Board voted to accept option #2 as stated by Ms. Yeatts. Dr. Siemering abstained from voting.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the Formal Hearing of June 14, 2007 as presented.

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the full Board meeting of July 12, 2007 as presented.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to approve the minutes of the Informal Hearings of July 26, 2007 as presented.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to approve the minutes of the August 9, 2007 Informal Hearings as presented.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to approve the minutes of the September 20, 2007 Informal Hearings as presented.

ADOPTION OF PROPOSED REGULATIONS:

Ms. Yeatts stated that the proposed regulations are as a result of the periodic review of regulations. She stated that the word "supervision" is highlighted throughout the document because the Board uses it in a variety of ways and it will need to be used consistently throughout. She stated that after going through each section, the Board will come back to that issue as well as to the definitions.

18 VAC 150-20-15

On properly seconded motion by Dr. McKelvin, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-30

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to accept the changes as proposed and to delete the word "certified" from **section B**.

18 VAC 150-20-70

On properly seconded motion by Dr. Froeling, the majority of the Board voted to accept the changes as proposed. Dr. Siemering was opposed.

18 VAC 150-20-115

On properly seconded motion by Dr. Wise, the

Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-120

No motion needed.

18 VAC 150-20-121

On properly seconded motion by Ms. Singleton, the Board voted unanimously to require that technicians pass the VTNE within the past 4 years immediately preceding their application in order to be endorsed without a degree from an AVMA or CVMA accredited school.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to accept the changes as proposed with the addition of the above motion.

18 VAC 150-20-130

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-140

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed with one additional change to remove the word “unlicensed” from # 11.

18 VAC 150-20-172

On properly seconded motion by Dr. McKelvin, the Board voted unanimously to accept the changes as proposed with the additional changes of deleting “to unlicensed personnel” from the title, and adding “but not dental scaling” to **section B(8)**.

18 VAC 150-20-180

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-181

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-190

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed and also to change the word “pharmacist” to “veterinarian” in **section J**.

18 VAC 150-20-195

On properly seconded motion by Dr. McKelvin, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-200

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-210

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed.

18 VAC 150-20-10

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the changes as proposed and also to add “or extern” to the definition of “Preceptorship or externship.”

Ms. Yeatts returned to the word “supervision” which she previously explained was highlighted throughout the regulations and used in various ways.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the following changes to the use of the word “supervision” as listed below:

In **18 VAC 150-20-10** under the definition of “Immediate and direct supervision” add “or assistant” after “veterinary technician.”

In **18 VAC 150-20-172(A)**, add “immediate and direct” before “supervision.” Also, under **section D**, delete “under the supervision of and.”

On properly seconded motion by Ms. Blackwell, the Board unanimously to adopt the amended regulations as proposed, including the changes voted on today.

ADOPT GUIDANCE DOCUMENTS:

Ms. Yeatts stated that there are several Guidance Documents that need to be repealed and several that need to be amended. This action is being taken to make them less cumbersome and more user friendly. By extracting the actual guidance portion out of some of the documents, the reader does not have to search through an entire document.

150-1 - On properly seconded motion by Ms. Blackwell, the Board voted to adopt 150-1 as previously amended with the addition of the last sentence.

150-2 - No action needed.

150-3 - No action needed.

150-4 - No action needed.

150-5 - On properly seconded motion by Dr. Froeling, the Board voted unanimously to repeal 150-5.

150-6 - On properly seconded motion by Dr. Froeling, the Board voted unanimously to readopt 150-6 as previously amended.

150-7 - No action needed.

150-8 - No action needed.

150-9 – No action needed.

150-10 – On properly seconded motion by Dr. Froeling, the Board voted unanimously to repeal 150-10.

150-13 – No action needed.

150-16 – No action needed.

The Board reviewed a draft Guidance Document entitled Inspection Guidance Document and decided to defer discussion of it until the Board's next scheduled meeting.

BOARD DISCUSSIONS:

The Board reviewed an Attorney General's Opinion to Delegate Edward Scott regarding whether a Virginia locality may dictate veterinary procedures within its jurisdiction. Ms. Seward, with the VVMA provided some background that Delegate Scott sought this opinion for one of his constituents based on an ordinance passed in Norfolk. It declared it unlawful for owners of companion animals to perform certain cosmetic alterations. The Board thanked Ms. Seward for sharing this information with them.

Dr. Siemering led a discussion granting the staff of the Board of Veterinary Medicine the authority to review and approve applications for reinstatement and requests for licensure by endorsement.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to grant Board staff the authority to approve applications for reinstatement and licensure by endorsement.

The Board discussed a memo from the VVMA regarding microchipping animals in an emergency situation.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to incorporate the language from the VVMA memo into their Guidance Document 150-4 regarding microchipping.

The Board discussed an email from Dr. Julia Murphy of the Va. Dept. of Health in which she inquired of the Board's opinion if a citizen were to present a rabies titer to the local treasurer's office for a dog license instead of the current rabies certificate. The Board directed Ms. Young to respond to Dr. Murphy and refer her to §3.1-796.86 for an answer to her question.

The Board discussed an email from Dr. Sarah Sheafor in which she inquires if veterinarians should keep a copy of the rabies certificates when they administer rabies vaccinations at rabies clinics, when they do not otherwise have a medical record for these animals. The Board's consensus was that veterinarians should keep a copy of the rabies certificates.

2008 CALENDAR:

The Board set the following dates for meetings and hearings for calendar year 2008.

January 16, 2008 – Formal Hearings
January 17, 2008 – Informal Hearings
February 20, 2008 – Informal Hearings
February 21, 2008 – Board meeting
March 13, 2008 – Informal Hearings
April 17, 2008 – Informal Hearings
May 14, 2008 – Board meeting
May 15, 2008 – Informal Hearings
June 19, 2008 – Informal Hearings
July 17, 2008 – Informal Hearings
August 20, 2008 – Board meetings
August 21, 2008 – Informal Hearings
September 11, 2008 – Informal Hearings
October 16, 2008 – Informal Hearings
November 12, 2008 – Board meeting
November 13, 2008 – Informal Hearings

ELECTION OF OFFICERS:

On properly seconded motion by Dr. Siemering, the Board voted unanimously to elect Dr. Henry McKelvin as the President of the Board of Veterinary Medicine.

On properly seconded motion by Dr. DeBell, the Board voted unanimously to elect Dr. Jana Froeling as Vice President of the Board of Veterinary Medicine.

**EXECUTIVE DIRECTOR'S
REPORT:**

Ms. Young stated that her information on budget and statistics is contained in the agenda booklet for the Board's review. She stated that at the Board's next meeting in February, she will bring them projections for a fee increase because of the Board's current deficit.

MEETING ADJOURNED:

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

George H. Siemering, DVM, President

Elizabeth C. Young, Executive Director