

**UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES
FEBRUARY 12, 2003**

- PUBLIC HEARING:** A public hearing was called to Order at 9:15 on Wednesday, February 12, 2003 for the purpose of receiving public comment on the Voluntary Practice by Out-of-State Licensees regulations (18 VAC 150-20-135). The presiding officer was Jerry A. Hinn, DVM, President of the Board of Veterinary Medicine. No public comment was presented.
- LEGISLATIVE UPDATE:** Ms. Yeatts presented an update on the current legislation, that is relevant to the Dept. of Health Professions, under consideration by the General Assembly.
- FORMAL HEARING:** A quorum of the Board held a Formal Hearing in the case of **Michelle Keaton-Haley, LVT**. Board President Jerry Hinn, DVM, presided. James Schliessman, Assistant Attorney General, represented the Commonwealth. Howard Casway, Assistant Attorney General, was present as counsel for the Board. Ms. Keaton-Haley was not present and was not represented by counsel.
- CLOSED SESSION:** On properly seconded motion by Dr. Wise, The Board voted unanimously to recess open session and immediately reconvene in closed session pursuant to §2.1-344(A)(7) of the Code of Virginia (1950), as amended, for the purpose of deliberation to reach a decision in the case of **Michelle Keaton-Haley, LVT**. It was also moved that Elizabeth Carter remain in closed session as her presence was deemed necessary and would aid the Board in its deliberation.
- OPEN SESSION:** On properly seconded motion by Dr. Wise, the Board recessed closed session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous closed meeting and (2) only such public business matters as were identified in the motion convening the closed

meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

BOARD DECISION:

On properly seconded motion by Dr. Wise, the Board voted unanimously to accept the Findings of Fact and Conclusions of Law as proposed by Mr. Schliessman and to suspend the license of **Michelle Keaton-Haley, LVT** indefinitely until such time as she provides satisfactory documentation that she has obtained her continuing education requirements.

TIME AND PLACE:

The meeting was called to order at 11:08 a.m. on Wednesday, February 12, 2003 at the Department of Health Professions, Conference Room 3, 6603 W. Broad St., Richmond, VA

PRESIDING OFFICER:

Jerry A. Hinn, DVM, President

MEMBERS PRESENT:

Patricia Jones-Jackson
George H. Siemering, DVM
Henry McKelvin, DVM
John T. Wise, DVM

STAFF PRESENT:

Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Assistant
Howard Casway, Assistant Attorney General
Elaine Yeatts, Senior Regulatory Analyst

OTHERS PRESENT:

Taryn Singleton, LVT, Va. Assoc. of Licensed Veterinary Technicians
Susan Seward, Virginia Veterinary Medical Association

QUORUM:

With five members of the Board present, a quorum was established.

PUBLIC COMMENT:

There was no public comment.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the Informal Hearings of October 9, 2002 as presented.

On properly seconded motion by Ms. Jones-Jackson, the Board voted unanimously to approve

the minutes of the meeting of October 31, 2002 as presented.

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the Informal Hearings of December 11, 2002 as presented.

HB1441:

Dr. Carter reported because of HB1441 that all if the inspectors have pulled from doing routine inspections to help ease the caseload of investigations. She reported that 11 additional investigators are being added now, with plans to hire an additional 24. Dr. Carter also reported that the new computer system will allow the agency to track cases more efficiently.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter asked if any board members would like to nominate anyone to the Executive Committee of the AAVSB. There were no nominations.

On properly seconded motion by Dr. McKelvin, the Board voted unanimously that a staff member, a board member and board counsel should attend the AAVSB's annual meeting in Denver in July.

Dr. Carter reported that Mr. Nebiker, the agency director, has asked that any consideration of fee increases or decreases be held off until after the end of the fiscal year.

Dr. Carter asked the Board to review the letter she has prepared to be disseminated to all licensees informing them of the changes in the regulations which go into effect on March 1, 2003. The Board approved the letter with some minor modifications. Under the definition of surgery, Dr. Carter added a note that "closures" are limited to skin closures. Also under Standards of Practice, Dr. Carter added a note that only licensees have access to Schedule II through V medications.

Dr. Carter reported that in her letter included on the new licenses that she explained to the licensees that CE acquired from January 2003 through December 2003 could be used to satisfy the requirement for the December 2003 renewal

as long as it was not also used to satisfy the February 2003 renewal. The Board agreed that this was reasonable and correct.

Dr. Carter also reported to the Board the total number of licensees in the Board of Veterinary Medicine and then broke them down by categories.

BOARD DISCUSSIONS:

The Board discussed a letter from Dr. Hinn in which he presented some items to clarify on the list of expanded duties for licensed veterinary technicians.

ITEM 1: Does the extraction of single rooted teeth by a licensed veterinary technician, allow the extraction of a multi-rooted tooth that has been sectioned (by the supervising veterinarian) into single-rooted portions?

The Board determined that once the tooth has been sectioned by the veterinarian, then it would be considered routine and would be acceptable for the licensed veterinary technician to extract.

ITEM 2: Since many veterinarians do not use skin sutures and close the skin with a subcuticular pattern and possible surgical adhesive, does the suturing of skin include subcuticular closure as an allowable duty?

The Board determined that routine closure is limited to the skin and that subcuticular closure would not be permissible.

ITEM 3: Will LVT's be allowed to place the indwelling subcutaneous catheters and suture them in place. General anesthesia and a small incision similar to a cut down sometimes used for venipuncture is necessary for the placement.

The Board's answer to this question is no.

ITEM 4: Cystocentesis is currently taught at the colleges of veterinary technology and considered acceptable for the LVT's duties. Is this compatible with the Board's thoughts?

The Board's answer to this question is yes.

The Board discussed a letter from Dr. Phillips in which he in asked the Board about mixing Butorphanol and Pet Tinic and how to record this in his drug log.

The directed Dr. Carter to send Dr. Phillips a copy of HB2204 about compounding of drugs. They also directed that it would be easier to just dispense a syringe and bottle.

The Board discussed a letter from Dr. Horner. (Attachment #1)

On properly seconded motion by Dr. Siemering, the Board voted unanimously that:

- 1.) If at least one member of an Informal Conference Committee recommends an Informal Conference, then an Informal will be scheduled.
- 2.) If both members recommend a Prehearing Consent Order and the sanctions are different, impose the higher sanction. If a fine is proposed, take the average of the recommended fines.
- 3.) If one member recommends a Prehearing Consent Order and the other recommends closing the case, then schedule an Informal Conference.
- 4.) The Board of Veterinary Medicine retracts all previous directives in this matter.

EXECUTIVE SESSION:

On properly seconded motion by Dr. McKelvin, the Board voted unanimously to recess open session and immediately reconvene in closed session pursuant to §2.1-344(A)(7) for the purpose of consultation with legal counsel regarding a request for waiver of the continuing education requirement. It was also moved that Elizabeth Carter and Terri Behr remain in closed session as their presence was deemed necessary and would aid the Board in its deliberation.

OPEN SESSION:

On properly seconded motion by Dr. Wise, the Board recessed closed session and reconvened in open session and unanimously voted to certify

that, the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous closed meeting and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

REQUEST FOR WAIVER OF CE: On properly seconded motion by Dr. Siemering, the Board voted unanimously to waive the continuing education requirement for 2002 for **Kathleen A. Brereton, LVT.**

MEETING ADJOURNED: There being no further business, the meeting adjourned at 1:45 p.m.

Jerry A. Hinn, DVM, President

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