

Call to Order

The October 13, 2022, Virginia Board of Veterinary Medicine (Board) meeting was called to order at 9:08 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia 23233.

Presiding Officer - Tregel Cockburn, DVM, President

Members Present

Autumn N. Halsey, LVT, Vice-President
Jeffery B. Newman, DVM, Secretary
Richard G. Bailey, DVM
Steve B. Karras, DVM
Steven A. Linas, OD, Citizen Member
Thomas B. Massie, Jr., DVM

Staff Present

Leslie L. Knachel, Executive Director
Kelli Moss, Deputy Executive Director
Erin Barrett, Senior Policy Analyst DHP
Charis Mitchell, Assistant Attorney General, Board Counsel
David E. Brown, D.C., Agency Director DHP
Laura Jackson, Board Administrator
Laura Paasch, Licensing & Operations Specialist

Public Present

Katie Hellebush, Virginia Veterinary Medical Association (VVMA)
Talya George, VVMA
Melody Morton, Inspections Manager
Andrew Inge, Senior Inspector

Establishment of Quorum

With seven out of seven board members present, a quorum was established.

Introductions

Dr. Cockburn welcomed the two new board members, Dr. Bailey and Dr. Linas, who were asked to introduce themselves to the meeting attendees.

Ordering of Agenda

Dr. Cockburn opened the floor to any edits or corrections regarding the agenda. Hearing none, the agenda was accepted as presented.

Public Comment

There were no requests to provide public comment.

Approval of Minutes

Dr. Cockburn opened the floor to any additions or corrections regarding the draft minutes of the March 3, 2022 Full Board meeting, March 15, 2022 Conference Call, July 28, 2022 Formal Hearing, July 29, 2022 Formal Hearing, and August 28, 2022 Conference Call. Hearing none, the minutes were approved as presented.

Agency Director's Report

Dr. Brown welcomed Dr. Bailey and Dr. Linas to the Board of Veterinary Medicine. He provided an agency update.

Legislative and Regulatory Report

Petitions for Rulemaking

Ms. Barrett and Ms. Knachel reviewed the petition for rulemaking submitted by Amber Lee regarding licensure by endorsement requirements for veterinary technicians.

The Board discussed the requested change.

Ms. Halsey made a motion which was seconded by Dr. Bailey to deny the petition for the following reasons:

- 18VAC150-20-121(2) serves as a parallel requirement to clinical work performed in educational settings; and
- Veterinary technicians can obtain licensure in other jurisdictions without the education component Virginia requires and the Board finds that the clinical component of required practice prior to issuing a license by endorsement to a veterinary technician is necessary for safety of the public.

The motion carried with six "ayes" with one "nay."

Ms. Barrett and Ms. Knachel reviewed the petition for rulemaking submitted by Mark Cushing regarding removal of clinical practice requirement for licensure by endorsement.

The Board discussed the requested change.

Ms. Halsey made a motion which was seconded by Dr. Karras to take no action for the following reasons:

- The Board recently underwent a periodic review of its regulations and determined that it would amend 18VAC150-20-121 during the implementation of the periodic review findings.
- The Board will consider removal of the practice requirement and other license by endorsement requirements as it considers revisions for all of Chapter 20.

The motion carried unanimously.

Consideration of Agency Subordinate Recommendation

Bryan Auten, Veterinarian – Case 205276 and Slate River Veterinary Clinic – Case 205275

Dr. Auten did not appear.

Ms. Moss provided to the Board the Agency Subordinate recommendations for the cases listed.

Closed session:

Dr. Karras moved that the quorum of the Board convene a closed meeting pursuant to Section 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of case numbers 205276 and 205275. Additionally, he moved that Ms. Mitchell and Ms. Knachel attend the closed meeting because their presence was deemed necessary and will aid the Board in its deliberation. The motion was seconded by Dr. Massie and carried unanimously.

Reconvene:

Dr. Karras moved that the Board certify that it heard, discussed, or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded by Dr. Newman and carried unanimously.

Motion regarding Agency Subordinate Recommendations:

Dr. Karras moved that the Board accept the Agency Subordinate recommendations for Bryan Auten, Veterinarian – Case 205276 and Slate River Veterinary Clinic – Case 205275. The motion was seconded by Ms. Halsey and carried unanimously.

Legislative and Regulatory Report (continued)

Guidance Document Review:

Ms. Barrett provided information regarding Guidance document 150-8, Disposition of cases involving practicing on an expired license or registration.

Dr. Bailey made a motion to adopt as revised, which was seconded by Ms. Halsey. The motion carried unanimously.

Ms. Barrett provided information regarding Guidance document 150-9, Medical Recordkeeping.

Ms. Halsey made a motion to revise the medical recordkeeping guidance document, which was seconded by Dr. Newman. The motion carried unanimously.

Regulatory Reduction Process/2022 Periodic Review Implementation:

Ms. Barrett provided information regarding the Regulatory Reduction Process/2022 Periodic Review Implementation. Ms. Barret and Ms. Knachel recommended that a Regulatory Committee be convened to develop recommended regulatory changes for the full Board's consideration.

Dr. Cockburn asked for board members to serve on the Regulatory Committee. Ms. Halsey, Dr. Karras, and Dr. Cockburn volunteered to serve on the Regulatory Committee. Ms. Knachel will schedule a Regulatory Committee meeting in early 2023.

Ms. Barrett provided information regarding the Notice of Intended Regulatory Action (NOIRA).

Dr. Newman made a motion which was seconded by Ms. Halsey to adopt a NOIRA to include the following language:

NOIRA language:

The Board votes to initiate a NOIRA following the periodic review of Chapter 20 to:

- Deletion of unused definitions and revision of needed definitions;
- Revision of license posting requirements to be more permissive;
- Revision of continuing education requirements to remove outdated provisions, edit language for clarity, and remove provisions redundant to the Code;
- Reorganization of inactive license requirements and reactivation requirements;
- Expansion of availability of licensure by endorsement for all license types, removal of redundant and unnecessary provisions;
- Simplification of requirements for faculty licensure and intern/resident licensure;
- Removal or revision of unprofessional conduct provisions which conflict with other law;
- Coordination of requirements for veterinary establishment registration, including combination of provisions previously in other portions of the Chapter;
- Revision and clarification of requirements for prescribing opioids;
- Revision of veterinary establishment provisions to clarify establishment requirements, clarify defined terms, and improve drug safety and security of establishments;
- Removal of information redundant to statute regarding sale or closure of veterinary practice; and
- Revision and simplification of requirements regarding equine dental technicians.

The motion carried unanimously.

Board Counsel Report

Ms. Mitchell provided an update on recently hired staff at the Office of the Attorney General.

President's Report

Dr. Cockburn reported on the events of the 2022 American Association of Veterinary Regulatory Boards (AAVSB) Annual Conference held in Charlotte, NC. She reported that Ms. Knachel was inducted as President of the AAVSB.

Board of Health Professions' Report

Dr. Karras reported that the Board of Health Professions' last meeting was held in March. Ms. Knachel stated that she is awaiting board member appointment notification for the Board Health Professions.

Staff Reports

Ms. Knachel provided updates on licensure statistics and outreach activities. She reported on information shared during the Executive Director session of the AAVSB annual meeting. The next meeting will be in September 2023 in Kansas City, MO.

Ms. Moss provided an update on open and closed discipline cases through August 2022.

New Business

Officer Elections

Board President: Dr. Cockburn nominated Dr. Karras for President, which was seconded by Dr. Karras. Ms. Halsey nominated Dr. Massie for President, which was seconded by Dr. Newman. Dr. Bailey made a motion to close the nominations, which was seconded by Ms. Halsey. The motion carried unanimously.

Ms. Knachel took a roll call vote. Four votes for Dr. Massie, two votes for Dr. Karras and one abstention vote. The motion carried for Dr. Massie as Board President serving a one-year term effective January 1, 2023.

Vice President: Ms. Halsey nominated Dr. Newman for Vice President, which was seconded by Dr. Bailey.

Ms. Knachel took a roll call vote. Six votes for Dr. Newman and one abstention vote. The motion carried for Dr. Newman as Vice President serving for one-year term effective January 1, 2023.

Secretary: Ms. Halsey nominated Dr. Linas for Secretary, which was seconded by Dr. Bailey. Dr. Karras nominated Dr. Cockburn for Secretary, which was seconded by Dr. Newman.

Ms. Knachel took a roll call vote. Five votes for Dr. Cockburn and two votes for Dr. Linas. The motion carried for Dr. Cockburn as Secretary for one-year term effective January 1, 2023.

Next Meeting

The next full board meeting is scheduled for March 28, 2023.

Adjournment

With no objection, Dr. Cockburn adjourned the meeting at 11:24 a.m.