

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
NOVEMBER 6, 2008**

CALL TO ORDER: A quorum of the Board of Veterinary Medicine was called to order at 9:05 a.m. at the Department of Health Professions, Perimeter Center, Richmond, VA

PRESIDING OFFICER: Henry McKelvin, DVM, President

MEMBERS PRESENT: John Wise, DVM
Joseph May, DVM
James DeBell, DVM
Taryn Singleton, LVT
Dorothy Blackwell

STAFF PRESENT: Elizabeth Carter, Executive Director
Terri Behr, Operations Manager
Eric Gregory, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Sandra Ryals, Director, Dept. of Health Professions

OTHERS PRESENT: Susan Seward, Va. Veterinary Medical Assn.
Amanda Sontag, LVT
Sharon Adams, Va. Beach SPCA

PUBLIC COMMENT: Ms. Sharon Adams, Executive Director of the Va. Beach SPCA gave public comment on the Board of Pharmacy's proposed regulations on drugs pertaining to use by shelters and humane societies. Her comments are attached (attachment 1).

Ms. Yeatts provided Ms. Adams with some background on the proposed amendments to the Pharmacy regulations. She stated that the regulations reflected what had always been in law and that the Board of Pharmacy thought it should be clarified in regulations. This is not a change concerning the drugs animal shelters and humane societies may obtain or maintain. The existing law only provides for euthanasia drugs approved by the State Veterinarian.

APPROVAL OF MINUTES:

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the Formal Hearing of March 13, 2008 as presented.

On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the Public Hearing of August 20, 2008 as presented.

On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the Board meeting of August 20, 2008 as presented.

On properly seconded motion by Dr. May, the Board voted unanimously to adopt the minutes of the Formal Hearing of August 21, 2008 as presented.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the Formal Hearing of September 11, 2008 as presented.

BOARD DISCUSSIONS:

INCREASE IN INSPECTION FEES FOR BOARD ORDERED UNANNOUNCED INSPECTIONS

Dr. Carter stated that the inspection fee of \$200 that has traditionally been charged for Board ordered unannounced inspections no longer covers the actual cost to the Board. The Board is currently charged \$90 an hour for the inspectors' time, and most veterinary inspections typically take anywhere from 3 to 4 hours to complete.

On properly seconded motion by Dr. DeBell, the Board voted unanimously that all Orders of the Board that require an unannounced inspection should include new language which states that a fee of \$90 per hour will be charged, with a minimum fee of \$300.

VCU SCHOOL OF DENTISTRY TO DEVELOP A VETERINARY MEDICAL RECORD KEEPING COURSE

Dr. Carter stated that Blue Ridge Community College and Virginia Tech have discontinued offering veterinary medical record keeping courses. This has made it more difficult for

practitioners who have been ordered to take veterinary medical record keeping courses to find appropriate coursework. Susan Beasecker has been in contact with a representative from the VCU School of Dentistry's continuing education office who has expressed interested in developing a veterinary medical record keeping course.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to request Susan Beasecker move forward in working with the VCU School of Dentistry to develop a veterinary medical record keeping course and report back to the Board.

VISIT BY MEMBERS OF THE NATIONAL BOARD OF VETERINARY MEDICAL EXAMINERS (NBVME)

An email was received by Ms. Behr from Bridget Whittey of the NBVME stating that the NBVME wanted to explore the possibility of a visit by two members of the NBVME to give a brief presentation at one of the Board's 2009 meetings. The Board was amenable to the request and directed Ms. Behr to provide the NBVME with the Board's 2009 Board meeting dates.

VETERINARY MEDICAL RECORD KEEPING REQUIREMENTS

At the August 20, 2008 Board meeting, the Board made a motion directing staff to gather information on various record keeping formats used in veterinary medicine in other states. Ms. Behr gathered this information for the Board's review. After reviewing this information, it was decided that Virginia's regulations do not provide enough guidance on medical record keeping. Dr. McKelvin appointed Dr. DeBell, Dr. May and Ms. Singleton to the Legislative/Regulatory Committee and directed them to meet to discuss drafting a new Guidance Document on medical record keeping that will give a more detailed description of the types of information the Board would expect to see in all medical records. The Committee will meet before the Board's first meeting of 2009 on the morning of February 10, 2009.

VIRGINIA PERFORMS:

Ms. Ryals presented an overview of agency and Board performance pertaining to Virginia Performs. See Attachments 1, 2, and 3.

RESPONSE TO COMMENT ON REGULATORY REVIEW:

Ms. Yeatts explained that the agenda item “Summary of Comment on Proposed Regulations Periodic Review Amendments,” is a compilation of all the written comments received and that the Board needs to respond to those comments. She stated that there were several comments on the proposed changes to **18 VAC150-20-172(A) and (B)(8)** regarding the limitations on scaling of teeth by unlicensed assistants.

On properly seconded motion by Dr. DeBell, the Board voted unanimously to amend **A** by adding the section that is underlined so that it now reads “Injections involving anesthetic or chemotherapy drugs or the placement of intravenous catheters, or subgingival scaling shall not be delegated to an assistant” and to amend **(B)(8)** by adding the section that is underlined so that it now reads “Dental polishing and scaling of teeth above the gum line (supra gingival).”

Following are other amendments as voted on by the Board:

18 VAC150-20-10

On properly seconded motion by Dr. DeBell, the Board voted unanimously to add the definition of “Pound.”

18 VAC150-20-30(A)

On properly seconded motion by Dr. May, the Board voted unanimously to add “or post it at the establishment” in the next to the last sentence in this paragraph.

18 VAC150-20-121(3)

On properly seconded motion by Dr. May, the Board voted unanimously to strike the last part of the last sentence in #3 which states “within the past four years immediately preceding application.”

18 VAC150-20-130(A)(3)

On properly seconded motion by Ms. Singleton, the Board voted unanimously to add to #3 “who is duly enrolled and in good standing in a veterinary technology program accredited or approved by the AVMA.”

18 VAC150-20-140

On properly seconded motion by Dr. Wise, the Board voted unanimously to modify #15 to state “Failing to release Patient records when requested by the owner, a law enforcement entity or a federal, state or local health regulatory agency” and to include the definition of “owner” of under **18 VAC150-20-10**.

On properly seconded motion by Dr. DeBell, the Board voted unanimously to strike #14.

18 VAC150-20-180(A)(1)

On properly seconded motion by Dr. DeBell, the Board voted unanimously to add “or pounds” to the last sentence in #1.

18 VAC150-20-190(C)(2)

On properly seconded motion by Dr. DeBell, the Board voted unanimously to eliminate “first and last.”

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the amended regulations as final.

2009 CALENDAR:

January 15, 2009 – Informal Hearings
February 9, 2009 – Informal Hearings
February 10, 2009 – Legislative/Regulatory Committee meeting, Board meeting
March 18, 2009 – Informal Hearings
April 16, 2009 – Informal Hearings
May 12, 2009 – Informal Hearings
June 18, 2009 – Informal Hearings
July 14, 2009 – Board meeting
July 15, 2009 – Informal Hearings
August 19, 2009 – Informal Hearings
September 16, 2009 – Informal Hearings
October 22, 2009 – Informal Hearings
November 17, 2009 – Board meeting
November 18, 2009 – Informal Hearings

ELECTION OF OFFICERS:

On properly seconded motion by Dr. Wise, the Board voted unanimously to elect the following slate of officers for 2009:

President: James Debell, DVM

Vice President: Henry McKelvin, DVM

Secretary/Treasurer: Kelly Gottschalk, DVM

EXECUTIVE DIRECTOR'S REPORT:

Sanction Reference Update

Dr. Carter reported that the Board of Veterinary Medicine has a relatively low agreement rate (58%) with the Sanction Reference Guidelines compared with the 70% anticipated. She stated that the original model did not include continuing education (CE) as a sanction option and, recently, the Board has begun to use CE as a sanction quite often relating to minor offenses.

Dr. Carter informed the Board that analysis shows that if CE had been included in the sanctioning recommendations at the lowest levels, as an option, the agreement rate would have risen to 94%.

On properly seconded motion by Dr. Wise, the Board voted unanimously to include CE to the sanctioning recommendations at the lowest levels.

Budget and Statistics

Dr. Carter reported that the Board is operating with a significant deficit, \$148,000 at end of year. She stated that cash flow should be helped with annual renewals in December and the number of licensees is up by 7% this year compared with 2% in previous years. Fee increases are not being requested at this time, but may be necessary in the future.

Email communication regarding website

Dr. Carter reported that an email was received from a licensee that stated that he has lost several clients because they believe that only equine dental technicians, and not veterinarians, can perform equine dental services. He asked that it be placed boldly on the website that veterinarians can also perform equine dental services. The Board responded that this veterinarian may have his clients call the Board office for clarification.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 1:35 p.m.

Henry McKelvin, DVM, President

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