

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES OF FULL BOARD  
DEPARTMENT OF HEALTH PROFESSIONS  
HENRICO, VA  
MAY 17, 2012**

**CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:05 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 3, 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  
Carole Stadfield, Citizen Member

**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  
Dianne Reynolds-Cane, M.D., Agency Director

**OTHERS PRESENT:** Susan Seward, Virginia Veterinary Medical Association  
Kris Keane, LVT  
Carol Heizer, LVT  
Penelope Ziegler, M.D., Health Practitioners' Monitoring Program (HPMP) Medical Director  
Diane Carey, Esq.

**ORDERING OF AGENDA:** On properly seconded motion by Dr. Pozniak, the Board voted unanimously to approve the revised agenda as presented to them this morning.

**PUBLIC COMMENT:** No public comment was presented.

**APPROVAL OF MINUTES:** On properly seconded motion by Dr. DeBell, the Board voted unanimously to adopt the minutes of the two formal hearings held on July 19, 2011, the minutes of the formal hearing held October 18, 2011, the minutes of the board meeting held on October 18, 2011, and the minutes of the conference call held on December 19, 2011.

**AGENCY DIRECTOR'S REPORT:** Dr. Reynolds-Cane made a brief report to the Board regarding video conferencing, the Prescription Monitoring Program, the 2012 session of the General Assembly and the customer satisfaction surveys.

**PETITION FOR RULEMAKING:** Ms. Yeatts presented a Petition for Rulemaking submitted by Dianne Carey, RN, Esq., to amend regulations by adding requirements related to the disclosure by facilities to clients about continuous care of animals. Ms. Yeatts explained to

the Board that the vast majority of comments were in opposition to the petition. The individuals making the comments felt that §54.1-3806.1 of the Code of Virginia (Code) already speaks to the requirement for disclosure by facilities before taking charge of an animal. On properly seconded motion by Dr. May, the Board voted unanimously to deny Ms. Carey's petition because disclosure is adequately addressed in §54.1-3806.1 of the Code.

- LEGISLATIVE/REGULATORY UPDATE:** Ms. Yeatts presented the following proposed legislation for consideration by the Board for the 2013 legislative session:
- **Repeal of §54.1-3809 of the Code, which specifies that a violation of the Chapter on veterinary practice is a Class I misdemeanor.**

Ms. Yeatts stated that proposed legislation to repeal this section of the Code had been included in the agency's 2012 legislative package, but had not advanced. She explained that this section needs to be repealed as violations are handled through the disciplinary process and are not appropriate to be classed as Class I misdemeanors.

- **Amend and reenact §54.1-3801 of the Code of Virginia, relating to exceptions to the requirement to hold a veterinary license.**

Ms. Yeatts suggested that draft legislation be considered to remove the words "or to attend a case" and replace it with "with veterinarians licensed."

On properly seconded motion by Ms. Singleton, the Board voted unanimously to accept both draft legislation suggestions as proposed and to include them in the agency's 2013 legislative package.

Ms. Yeatts also updated the Board on the proposed fee increase regulations. She explained the Board met to reconsider the proposed regulations on April 19, 2012, and voted to remove the language regarding the onetime fee assessment. She stated that fee increase regulations are now in the Secretary's office awaiting approval. Ms. Yeatts further explained that this proposed fee increase will not resolve the Board's debt. If the fee increase does not get approved, the Board's deficit will continue to grow. The hope is that the proposed fee increase regulations will pass in time to be effective for the next renewal period which begins November 2012.

**DISCUSSION ITEMS:**

**UPDATE ON HPMP**

Penelope Ziegler, M.D., HPMP Medical Director, presented an overview of the HPMP program.

**INSPECTION COMMITTEE REPORT**

Ms. Singleton reported that the Inspection Committee (IC) met on April 24, 2012, to discuss the veterinary facility inspection process. The following action items were identified and being presented to the Board for

consideration and action:

**ACTION ITEM 1:** Ms. Singleton reported that the IC recommends that an inspection occur when a veterinary establishment has undergone an addition, update or renovation of a surgical suite to ensure compliance with applicable laws and regulations.

The Board discussed this issue and upon properly seconded motion by Dr. May, the Board voted unanimously to table this discussion until the Board's next meeting.

**ACTION ITEM 2:** Ms. Knachel presented the draft guidance document developed by the IC on the disposition of cases involving practicing on an expired license or permit.

On properly seconded motion by Dr. May, the Board voted unanimously to approve the guidance document on the disposition of cases involving practicing on an expired license or permit as presented and to delegate to the Executive Director the authority to open cases and to impose the sanctions as presented on the guidance document.

**ACTION ITEM 3:** Ms. Knachel stated that the inspectors started using the new veterinary establishment inspection form in December 2011. The inspectors have indicated that they like the new format. In addition, the inspectors have said that the feedback from licensees has been positive. Ms. Knachel reviewed several changes that were made to improve the form's flow and to add several missing items.

Ms. Knachel presented and the board discussed the revised draft of the inspection form guidance document.

On properly seconded motion by Dr. May, the Board voted unanimously to amend #7 of the inspection guidance document to read as follows:

*The last name of the client satisfies item #2 above.*

On properly seconded motion by Dr. May, the Board voted unanimously to amend #59 of the inspection guidance document to read as follows:

*Digital radiograph systems are acceptable, but the required information must be included on the image or within the software. Non-digital radiographs, including dental radiographs must contain the required identifying information.*

On properly seconded motion by Ms. Stadfield, the Board voted unanimously to approve the revised veterinary establishment guidance document with the amendments as discussed.

**REVISED GUIDANCE DOCUMENTS: 150-16: Board Motion on protocol to follow upon**

**discovery of a loss or theft of drugs**

On properly seconded motion by Dr. Johnson, the Board voted unanimously to approve the revised document.

**150-3: Distance learning programs and preceptorships for veterinary technicians**

As requested by the Board during its October 2011 meeting, Ms. Knachel further developed the previously approved guidance document.

Ms. Singleton suggested that the answer to the second question should have the word “appropriate” changed to “on premises.” Ms. Knachel indicated that she recommends adding the regulation citation for 18VAC150-20-30 under “Applicable Laws and Regulations.”

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

**RECESS OF MEETING FOR FORMAL HEARING AT 12:50  
MEETING RESUMED AT 1:25**

**DELEGATION OF AUTHORITY**

**The following delegations of authority were approved by the Board:**

**The Board delegates authority to the executive director to negotiate a consent order with the chair of a Special Conference Committee or formal hearing.**

On properly seconded motion by Ms. Singleton, the Board voted unanimously to approve the above delegation as presented.

**The Board delegates authority to the executive director to issue confidential consent agreements and disciplinary action consistent with any board approved guidance document related to continuing education audits.**

On properly seconded motion by Dr. May, the Board voted unanimously to approve the above delegation as presented.

**The Board delegates authority to the executive director to issue confidential consent agreements and disciplinary action consistent with any board approved guidance document related to practicing with a lapsed license or permit.**

On properly seconded motion by Dr. Pozniak, the Board voted unanimously to approve the above delegation as presented.

**The Board delegates authority to the executive director to close non-jurisdictional cases and fee disputes**

**cases without review by a board member.**

On properly seconded motion by Ms. Singleton, the Board voted unanimously to approve the above delegation as presented.

**The Board delegates authority to the executive director to grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service or officially declared disasters.**

On properly seconded motion by Dr. May, the Board voted unanimously to approve the above delegation as presented.

**The Board delegates authority to the executive director to grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to renewal date.**

On properly seconded motion by Dr. Pozniak, the Board voted unanimously to approve the above delegation as presented.

**AMENDMENTS TO BYLAWS**

Ms. Knachel presented the proposed amendments to the bylaws which included incorporating the delegated authorities.

On properly seconded motion by Dr. May, the Board voted unanimously to accept the Proposed Amendments to Bylaws #1 – 8, as presented.

**PRESCRIPTION REFILLS**

Ms. Knachel indicated that the Board has received questions related to writing prescriptions. Based on the Board's discussion, Ms. Knachel was asked to conduct research and prepare a draft guidance document for presentation at the next board meeting.

**WAIVER REQUESTS**

**PRINCE WILLIAM ANIMAL HOSPITAL  
DEER PARK ANIMAL HOSPITAL**

On properly seconded motion by Dr. May, the majority of the Board voted to approve the requests contingent upon Board counsel's research into whether the Board has the authority to grant such waiver requests.

**REVISED PROBABLE CAUSE SHEET**

Ms. Knachel presented a revised probable cause form for use in reviewing cases.

**REPORT ON OUTREACH PRESENTATIONS**

Ms. Knachel reported that three outreach presentations were made via teleconferencing during April, one of which was made by Ms. Singleton. The attendees included the

following:

- 85 veterinary students attended from the Virginia-Maryland Regional Veterinary College at Virginia Tech on April 9, 2012;
- 19 veterinary technology students attended from Blue Ridge Community College on April 11, 2012; and
- 25 veterinary technology students attended from Northern Virginia Community College on April 12, 2012.

#### **2012 CONTINUING EDUCATION (CE) AUDIT REPORT**

Ms. Behr updated the Board on the current CE audit. Ms. Behr thanked Ms. Gasparotto for all of her assistance with this project.

#### **LETTER FROM AMERICAN EMBRYO TRANSFER ASSOCIATION**

Ms. Knachel indicated that the letter included in the agenda package was received by the board office and provided for the board members' information. No action on the part of the Board was required.

#### **CE SPONSOR QUESTION**

Ms. Knachel stated that the Board received a request from the International Veterinary Acupuncture Society (IVAS) to approve a post-doctoral certification course in Basic Veterinary Acupuncture. Ms. Knachel indicated that she had called IVAS to inform them that the Board does not approve course content, but would bring the matter before the Board at its next meeting.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to accept CE submission from Virginia attendees of the course.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to amend something previously adopted to accept CE submission from Virginia attendees for only the specific dates of the one course sent to the Board.

#### **AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) DELEGATE**

Ms. Knachel stated that she will be attending AAVSB's annual meeting to be held September 2012 in Seattle. She reported that as a member of the AAVSB Finance Committee and a presenter, her trip would be paid for by AAVSB. In addition, AAVSB offers to pay for one board member through the delegate funding program. She asked that the decision as to which board member will attend needs to be provided within the next month in order for the necessary approvals to be obtained.

#### **EXECUTIVE DIRECTOR'S REPORT**

Ms. Knachel reported on board statistics including licensing numbers, budget, and complaint cases and possible newsletter articles.

#### **ADJOURN:**

There being no further business the Board adjourned at

2:45 p.m.

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Kelly Gottschalk, DVM, President

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Leslie L. Knachel, MPH, Executive Director