

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 1
HENRICO, VA
JULY 15, 2015**

- TIME AND PLACE:** The Board of Veterinary Medicine (Board) was called to order at 9:00 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 1, Henrico, Virginia.
- PRESIDING OFFICER:** Joseph A. May, DVM, President
- MEMBERS PRESENT:** Kelly Gottschalk, DVM
Ellen Hillyer, DVM
Mark Johnson, DVM
Bayard Rucker, DVM
Taryn Singleton, LVT
- MEMBERS NOT PRESENT:** Carole Stadfield, Citizen Member
- QUORUM:** With five members of the Board present, a quorum was established.
- STAFF PRESENT:** Elaine Yeatts, Senior Policy Analyst
Leslie L. Knachel, Executive Director
Terri Behr, Operations Manager
Brandy Latvala, Administrative Assistant
Amanda Blount, Discipline Manager
Paul Dalby, Enforcement
David Brown, D.C., Agency Director
- OTHERS PRESENT:** Lee Henkel
Robin Schmitz
Virginia Welton
Heidi Martin
Robert Perrine
Anne Lynch
Susan Seward
- ORDERING OF AGENDA:** Ms. Knachel requested the following amendments to the agenda:
- Addition of “Reinstatement fee reduction” under the Legislative/Regulatory Update section of the agenda;
 - Deletion of 150-8: Disposition of Cases Involving Practicing on an Expired License or Permit (adjustment of fees paid by a veterinary establishment) under discussion items;
 - Deletion of 150-18: Bylaws (inclusion of an additional delegation of authority” under discussion items.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to amend the agenda as requested.

PUBLIC COMMENT:

Public comment was presented by Lee Henkel in support of faculty licensure at Virginia Tech. She suggested that the human medicine model be used to license veterinary interns and residents.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Rucker, the Board voted unanimously to approve the minutes of the meeting of February 19, 2015.

DIRECTOR'S REPORT

Dr. Brown provided the following update:

- The Governor's Task Force on Prescription Drugs has been active with making and implementing recommendations.
- The Board was thanked for its participation in helping to solve the diversion and abuse crisis in Virginia.
- The Secretary of Health and Human Services, Dr. Hazel, will be planning a summit in Wise, VA. The summit will bring together representatives from neighboring states to discuss common issues in the fight against prescription drug diversion.
- An external audit of the Health Practitioner's Monitoring Program was conducted and the summary will be completed by this fall.
- New board member training is scheduled for September 28, 2015 and new board member orientation is scheduled for October 16, 2015.

LEGISLATIVE/REGULATORY UPDATE:

Consideration of Revision to Legislative Proposal for §54.1-3806

Ms. Yeatts requested that the Board review §54.1-3806 and consider a revision to the legislative proposal approved at the last board meeting. The revision would add that a veterinary technician may work under the immediate and direct supervision of a "veterinarian employed by the United States or this Commonwealth while actually engaged in the performance of their official duties."

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the proposed revision for inclusion in the agency's 2016 legislative package.

Notices of Intended Regulatory Action (NOIRA)

Ms. Yeatts reviewed the comments from three NOIRAs that resulted from Petitions for Rulemaking:

- Use of the term "specialist": There were no public comments related to this issue.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to adopt the proposed regulations as presented.

- Increase in CE hours for veterinary technicians: There were 77 comments which included support from veterinary

technicians.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to approve the request to increase the required number of CE hours from six to eight annually for licensed veterinary technicians.

- Elimination of restriction on practical training only in final year of veterinary school: There were 76 comments that were both for and against this change. Most of those opposed had concerns about clients not being informed about care provided by students. Ms. Yeatts suggested that the Board consider moving forward with the proposed legislation and add the Legislative/Regulatory Committee's "informed consent" suggestions.

On properly seconded motion by Dr. Johnson voted unanimously to adopt the proposed regulations on elimination of the restriction on practical train only in the final year of veterinary school and to add the proposed informed consent amendments suggested by the Legislative/Regulatory Committee.

Notice of Periodic Review

Ms. Yeatts reviewed the six comments received on the Board's Notice Periodic Review. She stated that Legislative/Regulatory Committee has compiled the suggested changes by the Inspection Committee and Drug Control Act Committee and prepared a draft to aid the Board in determining the scope of regulatory changes. She indicated that the Board needs to adopt a NOIRA to move forward. She reviewed the Legislative/Regulatory Committee's recommended changes.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to proceed with a NOIRA based on the recommendations of the Legislative/Regulatory Committee.

Reinstatement Fee Reduction – Exempt Action

Ms. Yeatts stated that the reinstatement fee for veterinary establishments was adjusted in the December 2013 fee increase to include the renewal fee, late fee, and reinstatement fee. However, she informed the Board that 18VAC150-20-185 was not amended to remove the "renewal fee" and the "late fee" charges that are now included in the reinstatement fee. Ms. Yeatts indicated that the most expeditious way is to reduce the reinstatement fee from \$350 to \$75 via an exempt action.

On properly seconded motion by Dr. Johnson, five members of the Board voted to accept the proposal to reduce the reinstatement fee. Dr. May abstained from voting.

DISCUSSION ITEMS:

Report from Enforcement Unit on Veterinary Establishment Inspections

Mr. Dalby stated that there are four senior inspectors that serve the veterinary board and perform the establishment inspections. He provided a report on the number of inspections performed in fiscal year 07/01/14 – 06/30/15.

Follow-up from Board Meeting Held on February 19, 2015

- Draft guidance document on writing prescriptions for Schedule II:
Ms. Knachel drafted an updated guidance document, consulting with the board of pharmacy. The Board requested several changes.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to accept the guidance document with amendments.

- Draft guidance document on disposal of deceased animals
Ms. Knachel drafted a guidance document on disposal of deceased animals as requested by the board at the last board meeting.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to adopt the draft guidance document on disposal of deceased animals as presented.

Litigation Update

Ms. Knachel updated the Board on the case, “Dr. Lori Leonard vs. The Virginia Board of Veterinary Medicine.” Ms. Knachel stated that Dr. Leonard has appealed the case to the Virginia Supreme Court. The appeal request was accepted and oral arguments will be in September or October.

Review of 54.1-3801 Exemption and Consideration of a Faculty License Type

Ms. Knachel reported that the Legislative/Regulatory Committee recommended that the Board have a discussion about adding a faculty license type. At the request of the Board, Ms. Knachel will research other states’ requirements for faculty licensure, fees and continuing education and report back to the board. It was noted that a faculty license would require a legislative change and could be considered in the Board’s proposed legislation for the 2017 General Assembly Session.

Revisions to Guidance Document

Ms. Knachel reported that Guidance Document 150-10: Allowances to Purchase Possess and Administer Drugs within an Animal Shelter or Pound was revised and reposted based on a 2014 change to the Code of Virginia. Ms. Knachel stated that “pounds and shelter” were

replaced with “public or private animal shelter.

Veterinary Feed Directive – Leslie Knachel

Ms. Knachel reported that the Veterinary Feed Directive will become effective in December 2016. The federal law requires that if a state does not have a definition of a veterinary-patient-client-relationship then the federal definition is used. At this time, it is believed that the Code of Virginia adequately defines the relationship and no action by the Board is needed. She stated that the FDA will be in contact with the state boards at a later date.

Policy questions for Board’s consideration – Leslie Knachel

- Closing lacerations for small animals outside of an approved surgical suite: The board determined that the closing of a laceration is considered surgery. For veterinary care provided under a restricted permit limited to a small animal establishment, house call practice, surgery must be performed within an approved surgical suite. (On February 16, 2016, the Board approved an amendment to previously adopted minutes.)
- Continuing education requirements for short-term, inactive licensure status: The board determined that licensees who choose short-term inactive licensure will require an automatic audit of the last year of CE upon return to active licensure status.
- Claiming continuing education credit for presentations to practitioners: The board determined that continuing education for presentations to practitioners is acceptable for one time use and will be counted hour for hour for the presentation, but must be offered by an approved sponsor as provided in the regulations.
- Claiming continuing education credit for “shadowing” board certified veterinarian: The board determined shadowing a board certified veterinarian will not count towards continuing education credit.

EXECUTIVE DIRECTOR’S REPORT:

Statistics

Ms. Knachel provided an update on the current number of licensees, current revenue and expenditure figures and current number of compliant cases for the Board.

Outreach Presentations

Ms. Knachel did a licensing presentation for Northern Virginia Community College. Dr. Gottschalk will present at the Potomac Regional Veterinary Conference in November on the Board of Veterinary Medicine’s laws and regulations that relate to trap, neuter and release programs.

American Association of Veterinary State Boards (AAVSB) annual meeting

Ms. Knachel stated that the 2015 AAVSB annual meeting is in Milwaukee, WI this year. Ms. Knachel and Dr. Gottschalk will both attend the September meeting and will be doing a presentation on Virginia's new inspection process.

Work Group

Ms. Knachel stated that a work group is meeting on July 21, 2015, to examine options for veterinarians who supervise and work with wildlife rehabilitators and to dispense and supervise the use of certain controlled substances. The workgroup is being convened by the Board of Pharmacy at the request of two state Senators.

NEW BUSINESS:

No new business was presented.

ADJOURNMENT:

The meeting adjourned at 1:15 p.m.

Joseph A. May, DVM
Chair

Leslie L. Knachel, M.P.H
Executive Director

Date

Date