

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES  
AUGUST 13, 2003**

**TIME AND PLACE:** The meeting was called to order at 9:10 a.m. on Wednesday, August 13, 2003 at the Department of Health Professions, Conference Room 2, 6603 W. Broad St., Richmond, VA

**PRESIDING OFFICER:** Jerry A. Hinn, DVM, President

**MEMBERS PRESENT:** George H. Siemering, DVM  
Henry McKelvin, DVM  
John T. Wise, DVM  
Andy Horner, DVM  
Rebecca Lakie, LVT  
Dorothy Blackwell

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director  
Terri H. Behr, Administrative Assistant  
Howard Casway, Assistant Attorney General  
Robert Nebiker, Director, Dept. of Health Professions  
Gail Jaspén, Chief Deputy Director, Dept. of Health Professions  
Faye Lemon, Director of Enforcement  
Sammy Johnson, Deputy Director of Enforcement  
Pam Twombly, Staff  
Jennifer Challis, Staff  
Shannon Roberson, Staff  
Wanda Jackson, Staff  
Kim Lynch, Staff

**OTHERS PRESENT:** Taryn Singleton, LVT, Va. Assoc. of Licensed Veterinary Technicians  
Herb Haskin  
Jane Casey, DVM

**QUORUM:** With seven 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. Horner, the Board voted unanimously to approve the minutes of the Informal Hearings of April 3, 2003 and May 22, 2003 as presented.

On properly seconded motion by Dr. Horner, the

Board voted unanimously to approve the minutes of the meeting of May 21, 2003 with one correction. The correction occurs on page 6 under Confidential Consent Agreement where "Howard" is corrected to read "Mr. Casway".

**DISCUSSION OF INSPECTIONS AND INVESTIGATIVE PROCEDURES:**

Mr. Nebiker, Ms. Lemon, Mr. Johnson and Ms. Jaspen addressed specific questions relating to facility inspections posed at the May meeting. To continue the two-way dialog, Board members have been invited to participate in inspector training sessions and discussions relating to changes in the inspection process. Comment was also heard from Dr. Jane Casey and Mr. Herb Haskin of Casey Animal Hospital. It was suggested that the Board might like to do a periodic review of the inspection form.

On properly seconded motion by Dr. Wise, the Board voted unanimously that the Legislative/Regulatory Committee undertake a review of the inspection process insofar as they relate to licensees of the Board of Veterinary Medicine.

**FORMAL HEARING:**

A quorum of the Board held a Formal Hearing in the case of **Christy L. Shoup, DVM**. Board member John Wise, DVM, presided. Board members Rebecca Lakie, Dorothy Blackwell, and Henry McKelvin were also present. Dr. Siemering recused himself at the request of Mr. Schliessman and Ms. Adams. James Schliessman, Assistant Attorney General, represented the Commonwealth. Howard Casway, Assistant Attorney General, was present as counsel for the Board. Dr. Shoup was present and was represented by counsel, Jeannie Adams, Esq.

**CLOSED SESSION:**

On properly seconded motion by Ms. Blackwell, 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 **Christy L. Shoup, DVM**. It was also moved that Elizabeth Carter and Howard Casway 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 Ms. Blackwell, 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:**

Based on the information contained in the investigative report and the testimony of the parties involved, the Board dismissed the case.

**NEW LAW ON COMPOUNDING OF DRUGS FOR USE IN ANIMALS:**

Scotti Russell, Executive Director for the Board of Pharmacy, addressed the Board regarding the revisions to the law related to compounding (§54.1-3410.2 of the *Code of Virginia*) which went into effect on July 1, 2003. She stated that the changes affect veterinarians as well as pharmacists. Ms. Russell provided the Board with several handouts (see attached) pertaining to the new law. Chief among the discussion was that pharmacists cannot compound in bulk amounts for a veterinarian to later prescribe to multiple patients. This is construed as manufacturing. Bulk compounding by a pharmacist or veterinarian is allowed to provide for one patient's medication. There are also provisions relating to the labeling of the appropriate beyond use date that relate to whether the compound is in solution (not greater than 30 days from compounding) or otherwise (not greater than 6 months from compounding).

Ms. Russell said that questions relating to compounding or any other issues pertaining to the Drug Control Act or to the practice of pharmacy should be directed to her office.

**CONFIDENTIAL CONSENT AGREEMENTS:**

Ms. Jaspen addressed the Board regarding the use of Confidential Consent Agreements which is

a provision of HB1441 enacted during the 2003 session of the General Assembly. Ms. Jaspen explained that the Confidential Consent Agreement is a way of disposing of minor misconduct matters in which there is no patient harm and little chance of repetition. Such an agreement could be offered in lieu of an Informal Conference or Pre-Hearing Consent Order. She suggested that the Board should discuss how and when they want to use CCA's and to put a Guidance Document on the agency website to that effect.

**AAVSB REPORT AND DISCUSSION OF COLLABORATIVE PRACTICE:**

Dr. Siemering gave a report on the AAVSB meeting in Denver. He reported that one of the biggest issues facing boards is collaborative practice and alternative and complementary veterinary medicine. The Board will continue to discuss the issue of collaborative practice and how to deal with it at future board meetings.

**QUESTION REGARDING RECORDS FOR HORSES:**

The Board reviewed a memo from Inspector Marta Ishmael regarding citing a facility with not maintaining individual patient records for horses. The facility submitted a new form for record keeping, but Ms. Ishmael still questioned its compliance with board regulations. The Board reviewed the form and deemed it unacceptable because it is still does not provide for individual patient records. Dr. Carter will advise the inspector of the Board's decision.

**EXECUTIVE DIRECTOR'S REPORT:**

Dr. Carter discussed a report from the FDA on Adverse Event Report/New Animal Drugs. The Board members were provided with a copy of the report for their information. She reported that the changes were basically intended to reduce certain record keeping requirements for veterinarians that treat an animal which has an adverse reaction to a drug. She noted that the FDA website provides details on the proposed rule ([www.fda.gov](http://www.fda.gov)).

Dr. Carter reported on the statistics of the Board of Veterinary Medicine. Of particular note is that there is a 6% increase in new licensees between FY 2002 and FY 2003. The majority of this increase was due to veterinarian applicants.

Dr. Carter discussed suggested topics for the next newsletter and asked the Board what they would like to see included. Dr. Carter asked the Board regarding how they wanted their disciplinary activity reported. The Department of Health Professions' website now provides downloadable copies of all public documents within 90 days of action for all of the health regulatory boards. With the increase in availability of such documents, she asked the Board whether they wanted to continue including the case number and all the details of Findings of Fact and sanctions. The Board directed Dr. Carter to just categorize the disciplinary cases instead of listing individual cases and describing each finding and sanction. They also want her to include information on compounding of drugs for animals, a link to the inspection form on the website and the complaint line number to report cases of unlicensed practice.

Dr. Carter reported that the Species Specific Examinations available from the National Board of Veterinary Medical Examiners had been revised and that they can be used by Boards as a disciplinary tool.

Dr. Carter reported that the Code Commission is doing a review of the Agriculture Code. They are not looking to do substantive changes, mostly just cleaning up the language. They are scheduled to meet on August 20, 2003. She will provide the Board with an update on their activities at the next meeting.

Dr. Carter informed the Board about the Emergency Contact Information surveys that will begin to be mailed out on August 18, 2003. HB2182 passed this General Assembly session provides for the collection of e-mail addresses, telephone numbers and facsimile numbers for use in public health emergencies only. Although the Department of Health Professions will collect such information through the survey, the information will be provided to the Director of the Department of Health to be used in emergency situations only. The Department of Health Professions will not have access to this data for any other purpose.

She stated that veterinarians are included within the professions being surveyed because the Health Department has requested that they be included.

**CLOSED SESSION:**

On properly seconded motion by Ms. Blackwell 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 and a request for accommodations under the Americans with Disabilities Act. It was also moved that Elizabeth Carter, Terri Behr and Howard Casway 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 Ms. Blackwell, 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. Horner, the Board voted unanimously to deny the request for an additional extension of time to obtain C.E. **Chris Landes, LVT** and directed staff to docket a complaint against him for non-compliance.

**ADA ACCOMMODATIONS REQUEST:**

The Board considered a request for accommodations under the Americans with Disabilities Act by a candidate who wishes to sit for the NAVLE administered in the November – December 2003 window. On properly seconded motion by Dr. Wise, the Board voted unanimously to ask her to provide the Board with current documentation from an appropriate mental health professional defining the particulars of her

disability and providing recommendations as to reasonable accommodations. Dr. Carter will review the documentation. If she deems it necessary, she will solicit help from an expert to review the documentation. The resulting report will be submitted to an Informal Conference Committee for review.

**ELECTIONS:**

On properly seconded motion by Dr. Wise, the Board voted unanimously on the following slate of officers for the 2003 – 2004 fiscal year:

President – Dr. Jerry Hinn  
Vice President – Dr. Andrew Horner  
Secretary/Treasurer – Dr. George Siemering

**MOTION ON DISCLOSURE FORM:** The Board discussed a letter from Mr. Jim Lemon of the Pet Overnight Medical Care Association requesting that the Board mandate that all veterinary hospitals use the standard disclosure form offered by Mr. Lemon.

On properly seconded motion by Dr. Horner, the Board voted unanimously that the existing statute is clear and that the inspection process adequately monitors compliance with the statute without having to have a single format designated for the form.

**MOTION ON CONFIDENTIAL CONSENT AGREEMENTS:**

On properly seconded motion by Dr. McKelvin, the Board voted unanimously that when two Board members disagree on whether to issue a CCA, Ms. Behr will call the Board member who suggests the higher sanction and inquire if they will agree to a CCA. If the Board member will not acquiesce, then the case will be scheduled for an Informal Conference.

**MEETING ADJOURNED:**

There being no further business, the meeting adjourned at 4:30 p.m.

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Jerry A. Hinn, DVM, President

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