

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
MAY 14, 2008

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine was called to order at 9:00 a.m. at the Department of Health Professions, Perimeter Center, Richmond, VA
- PRESIDING OFFICER:** Henry McKelvin, DVM, President
- MEMBERS PRESENT:** George Siemering, DVM
Taryn Singleton, LVT
Jana Froeling, DVM
James DeBell, DVM
John Wise, DVM
Dorothy Blackwell
- STAFF PRESENT:** Elizabeth Carter, Executive Director
Terri Behr, Operations Manager
Howard Casway, Senior Assistant Attorney General
Emily Wingfield, Chief Deputy Director, DHP
- OTHERS PRESENT:** Susan Seward, VVMA
Kelly Gottschalk, DVM
Ken Fletcher
Melinda Freckleton, DVM
Jayme Leonard
Amanda Sontag, LVT
Debra Linton
- PUBLIC COMMENT:** Dr. Melinda Freckleton made public comment on behalf of the Virginia Veterinary Medical Association and the Virginia Association of Equine Practitioners. She stated that they support the action that the Board has taken on the equine dental technician regulations. Dr. Freckleton stated that they would like the Board to consider reconvening the Ad Hoc Committee for consideration of additional educational programs to register equine dental technicians, including one through the University of Nebraska. She stated that members from both organizations would volunteer to assist the Board with this endeavor.

Jayne Leonard made public comment on behalf of the Virginia Equine Dental Technicians Association. She stated that the program on equine dental technicians at the University of Nebraska is AVMA accredited. She handed out brochures and the curriculum for the Board's review.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the Formal Hearings of February 19, 2008 as presented.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to adopt the minutes of the Informal Hearings of February 20, 2008 as presented.

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

On properly seconded motion by Dr. Froeling, the Board voted unanimously to adopt the minutes of the Board meeting of February 21, 2008 as presented.

On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the Informal Hearings of March 13, 2008 as presented.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the Informal Hearings of April 17, 2008 as presented.

ACKNOWLEDGEMENT:

Ms. Wingfield acknowledged on behalf of Ms. Ryals that Elizabeth Carter is no longer in an acting capacity as Executive Director of the Board of Veterinary Medicine and is now the full time director. Dr. Carter continues to serve as the Executive Director for the Board of Optometry and for the Board of Health Professions, as well.

BOARD DISCUSSIONS:

“Probation” printed on licenses

Dr. Carter stated that some of the Board's within

the Dept. of Health Professions indicate that a licensee is on probation on the licensee's posted permit. She asked if the Board would also like for this to be done for its licensees.

A motion was made by Dr. Froeling and seconded by Dr. Wise not to apply the term "probation" on licenses. Ms. Blackwell, Dr. Siemering, Dr. DeBell and Ms. Singleton voted against the motion.

A motion was made by Dr. DeBell and seconded by Ms. Blackwell that the license should read "probation with terms." Dr. Siemering and Ms. Singleton voted in favor of the motion. Drs. Wise and Froeling voted against. The motion passed..

Ms. Wingfield stated that the language in the Orders should state that the respondent will return his permit to the Board and a new permit will be issued reflecting probation with terms.

CASE REVIEW

Dr. Carter stated that James Banning, Director of the Administrative Proceedings Division, had spoken with her about the Board's protocol of holding an Informal Conference whenever two member of the Board differed on opinions while reviewing cases. Dr. Carter gave a brief history of how the current protocol came about. A prior Board voted that when one member requests a Pre-Hearing Consent Order (PHCO) and the other member says to close the case, an Informal Hearing is to be scheduled automatically. She stated that because of the Governor's 250-day Key Measure goal for patient care case resolution and the extended time and resources required by Informal Conferences, the Board may wish to revisit this protocol.

On properly seconded motion by Dr. Siemering, the Board voted unanimously to revise the protocol so that when one member of the Board requests a PHCO and the other member requests closure, a PHCO will be drafted reflecting what the one Board member has requested.

Ms. Wingfield recommended to the Board that

they consider having only one Board member review cases in certain conditions and requested that the Board discuss this further at their next meeting.

LEGISLATIVE ISSUES

Ms. Wingfield updated the Board on the passage of HB725 regarding equine dental technicians. She stated that no changes in the regulations are needed to accommodate the new legislation.

Ms. Wingfield also discussed passage of HB1222 which amended the statute which provides for registration of voluntary practice by out-of-state licensees. The measure reduced the window for registration prior to practice from 15 days to five days. However, the measure also allows the practitioner who otherwise meets the criteria to provide volunteer services without prior notice to the Board for a period of up to three days, if the overseeing nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to accept the proposed amendments to the voluntary practice regulations as indicated in the above.

AMENDMENTS TO CALENDAR:

Ms. Behr stated that a number of dates on the Board's 2008 calendar needed to be amended due to scheduling conflicts with the Board of Optometry and Board of Health Professions. The Board agreed to reschedule the July 17th meeting date July 31 and the November 12th and 13th meeting dates to November 19 and 20.

AAVSB MEEETING:

The next American Association of Veterinary State Boards annual meeting is slated for Sept. 18 – 20 in Newport Beach, California. Dr. McKelvin stated that he would like to go and the Board requested that Ms. Behr attend also.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter updated the Board on the budget and stated that the Board will most likely operate in a deficit until the end of the year. She stated that a review is being conducted by Finance and there is a possibility of fee increases. She will update the Board at its next meeting.

Dr. Carter reported on statistics regarding licensure and cases for veterinary medicine. She stated that as of May 12, 2008, the Board has 5,344 regulants, most of which are current, active. She stated that from July 1, 2007 through the end of April, the Board had closed 183 cases. The majority resulted in no violation determinations, while 36 cases resulted in violations findings.

Dr. Carter reported on the activities of the Board of Health Professions (BHP). She stated that they are currently conducting sunrise reviews for central sterile technicians, orthotists and prosthetists, and orthopedic technicians. BHP also received two requests from the Dept. of Health: (1) to ensure that licensees are aware of the need to provide appropriate medical interpretations for everyone regardless of culture or language differences and that resources are available from the Department of Health's CLAS Act program, and (2) to emphasize the importance of hand washing to prevent the possible transmission of serious communicable diseases such as MRSA, which is antibiotic resistant.

CLOSED SESSION:

On properly seconded motion by Dr. Froeling, the Board recessed Open Session and convened in Closed Session pursuant to §2.2-3711(A)(7) of the Code of Virginia for the purpose of consultation with and the provision of legal advice by Senior Assistant Attorney General, Howard Casway for approval of a Consent Order in the matter of **Richard E. Flint, Jr., DVM**. Additionally, it was moved that Elizabeth Carter, Executive Director, Terri Behr, Operations Manager, Board of Veterinary Medicine, and Howard Casway, Counsel for the Board attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion. Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board reconvened in open session and announced its decision.

APPROVAL OF CONSENT ORDER:

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to accept the Consent Order in the matter of **Richard E. Flint,**

Jr., DVM.

PRESENTATION OF

PLAQUES:

The members of the Board and Dr. Carter presented commemorative plaques thanking Drs. Froeling and Siemering for their dedicated service to the Board and the Commonwealth.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 11:00 a.m.

Henry McKelvin, DVM, President

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