

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES OF FORMAL HEARING  
AND FULL BOARD  
AUGUST 4, 2004**

**CALL TO ORDER:** A quorum of the Board of Veterinary Medicine was called to order at 9:24 a.m.

**PRESIDING OFFICER:** Andrew F. Horner, DVM, Vice President

**MEMBERS PRESENT:** Henry McKelvin, DVM  
Rebecca Lakie, LVT  
Dorothy Blackwell  
Jana Froeling, DVM

**STAFF PRESENT:** Elizabeth A. Carter, Ph.D.  
Terri Behr  
Jane Smith  
Allan McDonald, Investigator  
Emily Wingfield, Assistant Attorney General  
James Schliessman, Assistant Attorney General

**OTHERS PRESENT:** Sabrina Pereira  
Anna Greasor  
Raymond Greasor, M.D.  
Karen Shoemaker

**MATTER SCHEDULED:** **Roque A. Pereira, DVM**  
**License No.: 0301005245**  
**Case Nos.: 86721 & 88396**

Dr. Pereira appeared before the Board in accordance with a Notice of Formal Hearing and Statement of Particulars dated June 10, 2004. Dr. Pereira was not represented by counsel. James Schliessman, Assistant Attorney General, represented the Commonwealth. Ms. Wingfield was legal counsel for the Board. The proceedings were recorded by Patti Hambright, with Inga Snead & Associates, Ltd.

**CLOSED SESSION:** On properly seconded motion by Ms. Lakie, the Board voted unanimously to convene a closed meeting pursuant to §2.2-3711(A)(28) of the Code of Virginia (1950), as amended, for the purpose of deliberation to reach a decision in the matter of Dr. Pereira. Additionally, it was moved that Dr. Carter and Ms. Wingfield attend the closed

meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open meeting and announced its decision.

**DECISION:**

The Board made certain Findings of Fact and Conclusions of Law and issued Dr. Pereira a reprimand, a monetary penalty, and imposed other terms and conditions.

The Formal Hearing was adjourned at 2:55 p.m.

**FULL BOARD MEETING:**

The meeting of the full Board was called to order at 3:00 p.m. on Wednesday, August 4, 2004 at the Department of Health Professions, Richmond, VA.

**PRESIDING OFFICER:**

Andrew F. Horner, DVM, Vice President

**MEMBERS PRESENT:**

George H. Siemering, DVM  
Henry McKelvin, DVM  
John T. Wise, DVM  
Jana Froeling, DVM  
Rebecca Lakie, LVT  
Dorothy Blackwell

**STAFF PRESENT:**

Elizabeth A. Carter, Ph.D., Executive Director  
Terri H. Behr, Administrative Specialist  
Emily Wingfield, Assistant Attorney General  
Elaine Yeatts, Senior Policy Analyst

**OTHERS PRESENT:**

Taryn Singleton, LVT, Va. Assoc. of Licensed Veterinary Technicians  
Susan Seward, Va. Veterinary Medical Assoc.  
Karen Shoemaker

**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. Wise, the Board voted unanimously to approve the minutes of January 15, 2004, May 26, 2004 and May 27,

2004 as presented.

**BOARD DISCUSSIONS:**

**Responsibilities of the veterinarian-in-charge**

Dr. Siemering explained that there seems to be some confusion regarding the exact responsibilities of the V-I-C as it may relate to the medical care provided by staff veterinarians at a facility. The Board agrees that the responsibilities of the V-I-C include maintaining the facility in compliance with the statutes and regulations, including drugs logs, and ensuring that unlicensed persons are not performing tasks reserved for licensed personnel.

The Board directed Dr. Carter to provide written direction to the Enforcement Division that complaints should be ensured to be docketed against the licensee that provided the care. Dr. Horner requested that the Board of Veterinary Medicine be included on the agenda for the next training session for investigators and inspectors.

**Memo from Sammy Johnson regarding chronological filing of drug invoices**

Mr. Johnson stated in his memo that on a recent inspection, the drug invoices were filed alphabetically by drug name and within the file for each drug the invoices were filed chronologically. He stated that a deficiency of **18 VAC 150-20-190** was cited since the records were not technically filed in chronological order. He further stated that maintaining drug invoices in chronological order is not a requirement of the DEA but is a requirement in the Board of Veterinary Medicine regulations. The Board stated that it is acceptable for practitioners to file the invoices as stated by Mr. Johnson in his memo, as long as they remain readily retrievable.

**Memo from Inspector Marta Ishmael**

Ms. Ishmael asked the Board for guidance regarding computerized drug distribution logs. Her questions were how often do the logs need to be printed out and are they required to be signed by the VIC/licensed veterinarian, or can they just stay in the computer until either the inspector or DEA needs to see them?

The Board's interpretation is that unless the facility has a very sophisticated narcotic dispensing system which allows for a signature online, they need to print out the logs and sign them, but they can keep these records on a computer in addition to the printed versions.

#### **ELECTION OF OFFICERS:**

Dr. Wise was nominated for President by Dr. Siemering. Dr. Horner was nominated for president by Rebecca Lakie. Dr. Wise was elected President. Dr. Horner was voted to retain the Vice-President seat.

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to elect Ms. Lakie as Secretary/Treasurer.

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

Dr. Carter directed the Board to a copy of a letter, in the agenda, sent out by Dr. Leslie Sinn of Northern Virginia Community College, implying disciplinary action by the Board to online mentors of veterinary technician preceptees if they did not send their transcripts into the college. Dr. Carter stated that she spoke with Dr. Sinn regarding this letter and that Dr. Sinn will cease sending out a letter which denotes disciplinary action by the Board.

Dr. Carter reported on general statistics for FY2004. She stated that the number of newly licensed veterinary technicians is up 60% from the previous year. She also stated that the Board of Veterinary Medicine is nearing 5000 licensees. The disciplinary caseload has remained somewhat stable from the previous year and is comprised of the same types of cases as previously, with standard of care issues constituting the vast majority of complaints.

Dr. Carter reported that the Board will be receiving an official letter from the Director of the Department of Health Professions soon regarding its end of year budget. Tentative figures for end of year reflect a cash balance of \$255,000. Whether this will need to result in a future fee reduction will be addressed in the letter.

Dr. Carter updated the Board on the PAVE

program. She stated that the program has been very successful so far and that there are ongoing discussions with the AVMA regarding consolidating the ECFVG and PAVE into one program.

Dr. Carter disseminated the new Dept. of Health Professions regulations on emergency contact information that went into effect July 28, 2004. Although not regulations of the Board, they do have impact on licensed veterinarians who may be contacted by the Department of Health in an emergency. She stated that there are two other sets of regulations that the Board of Veterinary Medicine is considering at this time. One is the emergency regulation on implementation of the delegation of designated individuals to review certain types of cases. The other is the fast track regulation clarifying the definition of surgery. A public hearing is scheduled for October 7, 2004 on this.

Dr. Carter asked the Board if they would like to consider doing a random audit of a percentage of licensees requesting them to send us documentation of their CE. On properly seconded motion by Dr. Wise, the Board voted unanimously to table the discussion until the Board has more information as to how the random audit will be conducted.

**MEETING ADJOURNED:**

There being no further business, the meeting adjourned at 4:15 p.m.

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Andrew F. Horner, DVM, Vice President

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