

**VIRGINIA BOARD OF VETERINARY MEDICINE  
MINUTES OF FULL BOARD  
DEPARTMENT OF HEALTH PROFESSIONS  
HENRICO, VA  
JUNE 3, 2013**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:30 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Room 4, Henrico, Virginia.
- PRESIDING OFFICER:** Taryn L. Singleton, LVT, President
- MEMBERS PRESENT:** Mark Johnson, DVM  
James DeBell, DVM  
Kelly Gottschalk, DVM  
Joseph May, DVM  
Constance Pozniak, DVM  
Carole Stadfield
- 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  
Diane Reynolds-Cane, Director, Department of Health Professions (DHP)  
Arne Owens, Deputy Director, DHP
- OTHERS PRESENT:** Robin Schmitz, Virginia Veterinary Medical Association (VVMA)  
Terry Taylor, DVM, VVMA  
Meghan Cox, Enforcement, DHP  
Paul Dalby, Deputy Director of Enforcement, DHP  
Samuel Tate, DVM, VVMA  
Kris Keane, LVT, Virginia Association of Licensed Veterinary Technicians  
Diana Stuebing, LVT
- ORDERING OF AGENDA:** Ms. Singleton requested that American Association of Veterinary State Boards (AAVSB) Annual Meeting, feral cats, and gray market be added to the discussion items.
- On a properly seconded motion by Ms. Stadfield, the Board unanimously voted to approve the agenda as amended.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On a properly seconded motion by Dr. Johnson, the Board unanimously voted to adopt the meeting minutes for the formal hearing on November 17, 2012; the formal hearing on February 7, 2013; and the Board meeting on February 7, 2013.
- AGENCY DIRECTOR'S REPORT:** Dr. Cane reported the following:
- DHP's three pieces of legislation passed and will become effective July1, 2013;

- Board of Pharmacy continues to provide comments to the U.S. Congress and the Virginia Legislature on the topic of sterile compounding; and
- DHP has been working on the Virginia statewide plan to reduce prescription drug abuse.

Dr. Cane presented Dr. DeBell with a plaque recognizing and thanking him for his eight years of service to the Commonwealth as a member of the Board of Veterinary Medicine

**LEGISLATIVE/REGULATORY UPDATE:** Ms. Yeatts reported that there are two regulatory actions awaiting approval at the present time. She stated that the request for a fee increase was in its final stage at the Governor's office awaiting approval and the fast track regulatory reform changes were also at the Governor's office awaiting approval.

Ms. Yeatts reported that the Board received a Petition for Rulemaking which is in the public comment period. The petition requests that the Board consider accepting continuing education courses related to business management and finance. No board action required at this time.

**AD HOC DRUG CONTROL ACT COMMITTEE REPORT:**

Dr. Pozniak reported that the Committee met on March 13, 2013, to discuss issues related to veterinarians and the Drug Control Act in an effort to provide educational information to licensees on the drug control laws. She stated that the Committee reviewed the guidance documents related to controlled drugs and directed Ms. Knachel to research some issues and prepare revisions to GD 150-1 for consideration by the Board later in the meeting.

**LEGISLATIVE/REGULATORY COMMITTEE REPORT:**

Dr. Gottschalk reported to the Board that the Committee met on May 22, 2013, and June 3, 2013. Ms. Yeatts was asked to present the proposed legislation which would repeal §§54.1-3805.1 and 54.1-3809 and amend §54.1-3801(2) by deleting "or to attend a case" and inserting "with veterinarians licensed." Dr. Gottschalk stated that the Committee recommends to the full Board to approve the legislative proposals for inclusion in the agency's legislative package.

On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to request that the proposed legislation to repeal §§54.1-3805.1 and 54.1-3809 be included in the agency's legislative package.

On a properly seconded motion by Dr. Gottschalk, the Board unanimously voted to request that the proposed changes to §54.1-3801(2) be included in the agency's legislative package.

Dr. Gottschalk reported that the Committee began discussing the need for other regulatory changes. She indicated that an area of discussion included increasing the

annual continuing education (CE) requirement. She stated that the Committee decided not to recommend increasing the required hours of CE, but to clarify guidance document (GD) 150-11 by amending it. Ms. Knachel explained the draft changes.

Dr. Gottschalk made a motion which was seconded to approve GD 150-11 as presented. During the discussion period, Dr. May suggested changing the “such as grief counseling” to “including but not limited to grief counseling.”

On a properly seconded motion by Dr. Gottschalk, the original motion was amended to include the changes suggested by Dr. May and the Board voted unanimously to accept the draft of GD 150-11 with the amendments.

Dr. Gottschalk reported the Committee discussed and made additional changes to the draft GD on delegation of duties. She reviewed the approved changes and indicated that the Committee recommended that the Board approve the GD.

On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the draft GD as presented.

#### **DISCUSSION ITEMS:**

##### **ACCREDITATION COURSE**

Ms. Knachel indicated she had received several questions as to whether the Board considers the USDA's large and small animal accreditation programs to be an acceptable CE course. The Board agreed that the USDA's accreditation program is acceptable based on the current regulations. This clarification was adopted for inclusion in GD 150-11.

##### **ACCUPUNCTURE AND CHIROPRACTIC CARE**

Ms. Knachel explained that the Board of Medicine (BOM) recently received several questions as to whether BOM licensed chiropractors and acupuncturists could provide care to animals. The Board discussed that chiropractic and acupuncture care is the practice of veterinary medicine.

On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to direct Ms. Knachel to prepare a GD which states that chiropractic and acupuncture care performed on animals is the practice of veterinary medicine as defined by §54.1-3800 and would be considered unlicensed practice if performed by anyone other than a licensed veterinarian. Therefore, it does not qualify to be delegated to anyone not licensed as a veterinarian.

##### **SONOGRAPHY PERFORMED BY UNLICENSED TECHS**

Ms. Knachel reported that she has been contacted regarding this issue. The Board directed that this issue be tabled until the next meeting and Ms. Knachel research the issue.

##### **NON-COMPLIANCE WITH RADIOGRAPHIC EQUIPMENT OUTSIDE OF AN INSPECTION**

Ms. Knachel stated that occasionally the Board office receives notification from the Department of Health's (VDH) Division of Radiological Health and Safety Regulations that a veterinary establishment is not compliant with VDH's radiographic equipment regulations. She indicated that a notification may be received outside of a routine DHP veterinary establishment inspection. Ms. Knachel requested guidance from the Board as to how these notifications should be handled.

On a properly seconded motion by Dr. Gottschalk, the Board voted unanimously to respond to a VDH notification letter by sending the veterinary establishment's veterinarian-in-charge a letter requiring a corrective action response to the Board within fourteen days. If the response is not received or the corrective action not taken, a case is to be docketed.

#### **THERAPEUTIC LASER USAGE**

Ms. Knachel reported receiving a letter from a veterinary establishment asking whether a veterinary assistant could administer prescribed therapeutic laser treatments. The Board discussed possible patient and public harm. The Board directed that this issue be tabled until the next meeting so that more information could be gathered in the interim.

#### **MEDICATION FLAVORING**

Ms. Knachel reported receiving a question related to whether adding medication flavoring constitutes compounding. The Board's opinion is that adding flavoring to a manufactured drug or combination of manufactured drugs in the veterinary establishment is acceptable based on the minutes from the Board of Pharmacy's June 4, 2008, discussion. The Board discussed that compounded drugs purchased from a compounding pharmacy may be flavored for administration by the veterinary practice, but may not be dispensed to the client for home use.

#### **INSPECTION OF CLINICS AND HUMANE SOCIETIES LOCATED IN CLOSE PROXIMITY**

Ms. Knachel explained that the Board currently issues restricted permits for veterinary facilities located within or in close proximity of a humane society/shelter/pound. A recently inspected veterinary establishment is questioning whether the sharing of space between the veterinary establishment and the humane society/shelter/pound is permissible. Sharing of space includes, but is not limited to, utilizing one set of cages for veterinary establishment and humane society/shelter/pound animals, the same autoclave equipment and co-mingling of animal populations.

The Board's position is that the regulations do not prohibit the sharing of space as long as regulatory compliance is maintained. However, veterinary establishment animals may not be exposed to exhaust fumes while being housed.

#### **REPORT ON BOARD OF PHARMACY AD HOC**

### **COMMITTEE ON COMPOUNDING**

Ms. Knachel reported that Dr. DeBell and she attended the Board of Pharmacy's (BOP) Ad hoc Committee on Compounding meeting that was held on May 13, 2013. Dr. Jeffrey Newman, from the VVMA, represented the veterinary profession. Ms. Knachel stated that there is federal legislation being considered regarding compounding. She and Dr. DeBell stated that the BOP recognizes the issues related to the use of compounded drugs in veterinary medicine, but that Virginia laws must comport with federal law.

### **GUIDANCE DOCUMENT 150-1**

Ms. Knachel discussed the changes recommended and approved by the Legislative/Regulatory Committee. Dr. Johnson made a properly seconded motion to accept the GD as presented. Following a discussion, Dr. May made a properly seconded motion to delete "for what purpose" that was passed.

On a properly seconded motion by Dr. Johnson, he amended the original motion and the Board voted unanimously to adopt GD 150-1 with the approved change.

### **GUIDANCE DOCUMENT 150-18**

Ms. Knachel explained that the guidance document was amended as requested at the last meeting.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt 150-18 as presented.

### **DRAFT GUIDANCE DOCUMENT: STUDENTS ADMINISTERING RABIES VACCINE (§ 3.2-6521)**

Ms. Knachel explained that it has come to the attention of the Board office that students in veterinary programs may be administering the rabies vaccine. Ms. Knachel stated that she contacted the Office of the State Veterinarian and they do not approve of any veterinary or veterinary technology student administering the rabies vaccine. Ms. Knachel indicated that this issue had already been addressed for veterinary technology students in GD 150-3. She recommended that a GD be developed to clarify that veterinary students may not administer the rabies vaccine.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the proposed draft GD as presented.

### **AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS ANNUAL MEETING**

Ms. Knachel reported that she and Dr. May are both attending the annual AAVSB meeting as AAVSB committee members, but there is an opportunity for a board member to attend the meeting under the delegate-funding program. Dr. Pozniak volunteered to attend as the delegate.

### **FERAL CAT INQUIRY**

Ms. Knachel reported that she received a communication

from a member of the public regarding how expensive and difficult it is to provide care for feral cats and requested that the Board consider addressing ways to make this easier. She indicated that the VVMA reported during a previous meeting that issues related to feral cats was being addressed by the professional association. No action was taken.

#### **GRAY MARKET INFORMATION**

Ms. Knachel stated she wanted to make the Board aware that veterinarians are being approached to buy large quantities of drugs and then “re-sell” them to companies for distribution. She stated that the federal authorities refer to this as the “gray market.” It is occurring in other professions as well. The federal authorities have recognized that this practice causes a supply and demand issue that affects drug pricing and availability. Veterinarians are not authorized to wholesale distribute Schedule II –VI drugs unless appropriately licensed by the BOP.

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

Ms. Knachel reported on the current statistics and the budget. She also updated the Board on the presentations that had been given and on future presentations that are planned.

#### **NEW BUSINESS**

Dr. May reported that he sent information to Ms. Knachel regarding a 10 hour record-keeping CE course that is available for Board members to review at no cost. The Board directed Ms. Knachel to forward the information for review.

#### **ADJOURN:**

There being no further business the Board adjourned at 1:10 p.m.

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Taryn Singleton, LVT President

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Leslie L. Knachel, MPH, Executive Director