

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
TRAINING ROOM 2
HENRICO, VA
DECEMBER 16, 2016**

- TIME AND PLACE:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:03 a.m., at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room 2, Henrico, Virginia.
- PRESIDING OFFICER:** Bayard A. Rucker, III, D.V.M., President
- MEMBERS PRESENT:** Autumn N. Halsey, L.V.T.
Ellen G. Hillyer, D.V.M.
Steven B. Karras, D.V.M.
Mark A. Johnson, D.V.M.
Tregel M. Cockburn, D.V.M.
- MEMBERS NOT PRESENT:** Mary Yancey Spencer, J.D., Citizen Member
- QUORUM:** With six members of the Board present, a quorum was established.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Terri H. Behr, Discipline/Compliance Specialist
Carol Stamey, Licensing Operations Manager
Elizabeth Carter, Ph.D., Executive Director, Board of Health Professions
Charis Mitchell, Assistant Attorney General
David E. Brown, D.C., DHP Director
- OTHERS PRESENT:** Lee Henkel
Taryn Singleton, L.V.T.
- ORDERING OF AGENDA:** No changes were made to the agenda.
- INTRODUCTION OF NEW BOARD MEMBERS:** Dr. Rucker welcomed the new board members, Dr. Cockburn and Dr. Karras.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On a properly seconded motion by Dr. Karras, the Board voted unanimously to approve the minutes of the following meetings:
- Inspection Committee Meeting – April 28, 2015
 - Board Meeting – July 21, 2016
 - Formal Hearings – July 21, 2016

- Telephone Conference Call – August 9, 2016
- Formal Hearing – September 7, 2016
- Consideration of Settlement – September 7, 2016

DIRECTOR'S REPORT:

Dr. Brown's report included the following:

- Comments on the October board member training session;
- Freedom of Information reminders; and
- Update on the opioid crisis in Virginia. He thanked the Board for their work on developing regulation focus on reducing drug diversion. He stated that the Commissioner of Public Health declared a public health emergency regarding the opioid crisis. He commented that the Boards of Medicine and Dentistry are moving forward to convene a Regulatory Advisory Panel (RAP) to discuss and develop guidelines for prescribing pain medications and buprenorphine. He asked the Board of Veterinary Medicine to consider under new business convening a RAP to discuss and develop guidelines for prescribing opioids and pain medications to help ensure that these drugs are not being taken by owners.

LEGISLATIVE/REGULATORY UPDATE:

Regulatory Update – Elaine Yeatts

Ms. Yeatts stated that the proposed regulations from the periodic review are approved by the Governor and will be published on December 26, 2016. The 60-day comment period will close on February 24, 2017, and a public hearing will be held on February 8, 2017. Ms. Knachel stated that a mass email about the public comment period is scheduled to be sent to all licenses the first week of January.

Ms. Yeatts reported on HB319 from the 2016 General Assembly session which requires Board action at this meeting. The legislation mandates that the health regulatory boards allow certain volunteer work to count towards continuing education requirements. Ms. Yeatts reviewed possible regulatory language for the Board's consideration.

On a properly seconded motion by Dr. Johnson, the Board voted unanimously to allow up to two hours of the 15 hours required for annual renewal for veterinarians and up to one hour of the eight hours required for annual renewal for veterinary technicians may be satisfied through delivery of veterinary services, without compensation, through a local health department or free clinic. One hour of continuing education may be credited for three hours of providing volunteer services.

Ms. Yeatts reported on the process for developing regulations for faculty and intern/resident licenses (HB1058). She stated that the legislation contains an enactment clause requires that the Board adopt licensure regulations for faculty and intern/residents by July 1, 2018. She indicated that the Notice of Intended Regulatory Action was

published and comment period ended on November 16, 2016. One comment was received which was available in the agenda package. Ms. Yeatts stated that the next task is development of proposed regulations and recommended that the Board consider convening a RAP that included representation from the Virginia – Maryland College of Veterinary Medicine and the Virginia Veterinary Medical Association.

On properly seconded motion by Dr. Karras, the Board voted unanimously to appoint a RAP to work on promulgating regulations for faculty and intern/resident licensure.

DISCUSSION ITEMS:

Healthcare Workforce Data Survey

Dr. Elizabeth Carter provided an overview of the Healthcare Workforce Data Center (HWDC) which was established within DHP and tasked with improving data collection and measurement of Virginia's healthcare workforce through regular assessment of workforce supply and demand issues. Dr. Carter informed the Board that it consider deploying a survey to collect data on the veterinary profession. She indicated that draft questions could be provided for the Board's consideration at its next meeting.

On a properly seconded motion by Dr. Johnson, the Board voted unanimously to move forward with plans for the survey and to request that the questions be sent to the board members in advance of the meeting.

Guidance Documents

Notification of revision to 76-21.2:1 Veterinary Establishment Inspection Report:

Ms. Knachel informed the Board of the removal of item #6 which lists veterinarian-in-charge responsibilities. She explained that non-compliance with these responsibilities is based on a review of the inspection summary and handled per Guidance Document 150-15 Disposition of routine inspection violations. Per delegated authority provided in the Board's bylaws, the change on the inspection form was reviewed with the Board President before posting on the website.

Revision of 150-11 Guidance for acceptable CE, CE audits and sanctioning for failure to complete:

Ms. Knachel reported the change from six to eight of continuing education hours for veterinary technicians necessitated that the guidance document be revised. In addition, she stated that the format was changed to a question and answer format.

On a properly seconded motion by Ms. Halsey, the Board voted unanimously to adopt the changes to Guidance Document 150-11 as drafted.

Revision of 150-12 Administration of rabies vaccines by students or in preceptorships:

Ms. Knachel stated that the changes made to this guidance document were a collaborative effort with Dr. Julia Murphy, State Health Veterinarian at the Department of Health.

On a properly seconded motion by Dr. Johnson, the Board voted unanimously to adopt the changes to Guidance Document 150-12 as drafted.

Follow –up from February 16, 2016 meeting

Administration of controlled drugs by an unlicensed assistant and during boarding/hospitalization

Ms. Knachel stated that inquiries regarding who can administer controlled drugs are legal questions and that she is not able to provide legal advice. However, she indicated that inquirers are directed to applicable laws and regulations.

Transcripts for applicants with PAVE or ECFVG certificates

Ms. Knachel referred the Board to 18VAC 150-20-110 regarding PAVE and ECFVG certification for certain foreign graduates. She directed the Board to the AVMA Steps of the ECFVG Certification Program which was included in the agenda packet, specifically the section on verification of educational credentials. She stated that original transcripts are not easily obtained for many foreign graduates. The Board needs to decide if it will accept the AVMA's verification that the applicant graduated with a degree in veterinary medicine from their university. Ms. Yeatts confirmed out that this issue is addressed in the proposed regulations that are being published in the Virginia Register on December 26, 2016.

**EXECUTIVE DIRECTOR'S
REPORT:**

Statistics and Budget

Ms. Knachel updated the Board on the current numbers for licensees in all categories and the current revenue and expenditure figures.

Outreach

Ms. Knachel reported that she had sent out two recent mass emails to licensees related to regulatory actions and secondary pentobarbital poisoning.

Discipline Update

Ms. Blount provided the Board with the number of cases currently process and recently closed.

2017 Calendar

Ms. Knachel presented the 2017 calendar for review and stated that if any board members have an issue with a particular date to please let her know.

NEW BUSINESS:

On properly seconded motion by Ms. Halsey, the Board voted unanimously to establish a RAP to discuss the issue regarding the opioid crisis as recommended by Dr. Brown. Ms. Knachel stated that January 18, 2017, has been tentatively set for the first meeting.

ELECTION OF OFFICERS:

On properly seconded motion by Dr. Rucker, the Board voted unanimously to elect Dr. Hillyer as the new Board President for the 2017 calendar year.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to elect Ms. Halsey as the new Board Vice President for the 2017 calendar year.

On properly seconded motion by Dr. Hillyer, the Board voted unanimously to elect Dr. Karras as the new Board Secretary for the 2017 calendar year.

CLOSED SESSION

**Case Nos. 161620, 161907, and
163355**

Dr. Johnson and Ms. Halsey were excused and did not attend this portion of the meeting.

The Board received information from Ms. Blount regarding a Consent Order signed by Dr. Pasternak as a settlement proposal for the resolution of Case Nos. 161620, 161907, and 163355 in lieu of proceeding with a formal hearing.

CLOSED SESSION:

Dr. Karras moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia (“Code”) for the purpose of deliberation to reach a decision in the matter of Dr. Pasternak. Additionally, Dr. Karras moved that Ms. Knachel and Ms. Mitchell attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and carried unanimously.

RECONVENE:

Dr. Karras moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and carried unanimously.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Dr. Hillyer moved that the Board accept the Consent Order that was signed by Dr. Pasternak in lieu of proceeding with a formal hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

The meeting adjourned at 11:00 a.m.



Bayard A. Rucker, III, D.V.M.
Chair

2-9-2017
Date



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

February 9, 2017
Date