

**UNAPPROVED DRAFT**  
**VIRGINIA BOARD OF VETERINARY MEDICINE**  
**MINUTES OF FULL BOARD**  
**DEPARTMENT OF HEALTH PROFESSIONS**  
**BOARD ROOM 1**  
**HENRICO, VA**  
**JULY 21, 2016**

- TIME AND PLACE:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:01 a.m., at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2<sup>nd</sup> Floor, Board Room 1, Henrico, Virginia.
- PRESIDING OFFICER:** Bayard A. Rucker, III, D.V.M., President
- MEMBERS PRESENT:** Kelly J. Gottschalk, D.V.M.  
Autumn Halsey, L.V.T.  
Ellen G. Hillyer, D.V.M.  
Joseph A. May, D.V.M.  
Mary Yancey Spencer, J.D., Citizen Member
- MEMBERS NOT PRESENT:** Mark A. Johnson, D.V.M.
- 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 Behr, Discipline/Compliance Operations Manager  
Carol Stamey, Licensing Operations Manager  
David E. Brown, D.C., DHP Director
- OTHERS PRESENT:** Lee Henkel  
Susan Seward, Virginia Veterinary Medical Association (VVMA)  
Taryn Singleton, L.V.T.  
Edna Whittier  
Robin Schmitz, VVMA  
Paul Dalby, DHP
- ORDERING OF AGENDA:** Ms. Blount requested to add an item under the Executive Director's Report to address items identified for follow-up by the Executive Director during the February Board meeting. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to add the additional item to the agenda as requested.
- PUBLIC COMMENT:** Public comment was received from Ms. Lee Henkel expressing her continued displeasure with the Board's final regulations regarding permitting veterinary students to practice before their fourth year of veterinary school. She also commented that notifying clients by placing a sign in the office that a veterinary practice has students working in the practice is inadequate.

## **APPROVAL OF MINUTES:**

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to approve the minutes of the following meetings:

- Board Meeting – October 22, 2015
- Special Session – Conference Call – February 4, 2016
- Board Meeting – February 16, 2016
- Formal Hearings – March 17, 2016
- Consideration of Possible Resolution of Case No. 171453 – May 26, 2016
- Formal Hearing – May 26, 2016
- Special Session – Conference Call – June 14, 2016

## **DIRECTOR'S REPORT:**

Dr. Brown recognized Dr. May and Dr. Gottschalk for their eight years of service as members of the Board of Veterinary Medicine and thanked them for their service to the Board and to the Commonwealth.

Dr. Brown provided an update on the agency's internal training activities and plans for the fall board member training day. In addition, he mentioned the agency's continued efforts in activities related to reduction of opiate abuse. He appreciates the Board's willingness to discuss issues related to opiate use and security of drugs in veterinary practices.

## **LEGISLATIVE/REGULATORY UPDATE:**

### **Regulatory Update – Elaine Yeatts**

Ms. Yeatts stated that the proposed regulations from the periodic review are with the Department of Planning and Budget undergoing an economic impact review.

Ms. Yeatts reported the following final regulatory actions will take effect in the next several weeks:

- Elimination of restriction on practical training only in final year of veterinary school becomes effective on July 27, 2016.
- Use of the term specialist becomes effective on July 27, 2016.
- Increase in continuing education (CE) hours for veterinary technicians becomes effective on August 10, 2016. Ms. Yeatts discussed the implementation plan for this regulatory action and suggested the Board wait until January 1, 2017, which is the beginning of a new annual licensure period to require the increased number of CE hours.

On properly seconded motion by Dr. May, the Board voted unanimously to implement the increase in CE for veterinary technicians for the annual licensure period starting on January 1, 2017.

Ms. Yeatts stated that approximately 60 additional comments on the elimination of the restriction on practical training only in final year of veterinary school. She indicated that the comments objected to this regulation in its current form and asked for another comment period.

She indicated that the Board could consider an action related to this final regulatory action and take no action. There was no motion by the Board to take any action.

### **Legislative Update – Elaine Yeatts**

- **Volunteer Hours for CE:** Ms. Yeatts stated that HB319 requires boards to promulgate regulations that allow CE for volunteer services to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. Ms. Yeatts proposed draft language for the Board's consideration which would allow up to two hours of CE to be used for volunteer services for veterinarians and up to one hour for veterinary technicians. Ms. Yeatts stated that the Board did not need to take any action today and might want to take some time to think about it and add some other possible volunteer opportunities that they would allow to be used for CE. The consensus of the Board was to further discuss this issue at its next board meeting.
- **Public Participation Guidelines Revision:** Ms. Yeatts stated that the Administrative Process Act was amended in 2012 and that it is recommended that all boards amend their Public Participation Guidelines to reflect the changes. She stated this could be done as a fast track action.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to move forward with amending the Public Participation Guidelines as presented by fast track action.

- **Faculty Licensure:** Ms. Yeatts discussed HB1058 which amends licensure exceptions to now require licensure for veterinary faculty and interns/resident who are engaged in the practice of veterinary medicine, pursuant to § 54.1-2800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth. Ms. Yeatts stated the Board would need to adopt of a Notice of Intended Regulatory Action (NOIRA) to begin promulgation of regulations for this new licensure requirement.

On properly seconded motion by Dr. May, the Board voted unanimously to move forward with the NOIRA.

- **Presentation of Deceased Animal to Owner:** Ms. Yeatts discussed proposed legislation (HB312), which did not pass, that dealt with acceptable methods of presentation of a deceased companion animal to its owner and that such methods shall include the use of an appropriate container. Delegate Orrock sent a letter requesting the Board consider

this matter. The Board discussed the issue and agrees that there needs to be some kind of educational information to veterinarians to be compassionate in explaining to owners about disposal when an animal is euthanized. They asked that Ms. Knachel consider drafting a guidance document with this information and also to reach out to the VVMA to further help with disseminating this information.

## **DISCUSSION ITEMS:**

### **Guidance Document Updates**

#### **Disposition of Routine Inspection Violations – Guidance**

**Document 150-15:** Ms. Blount stated that in the section under veterinary establishments, it says Confidential Consent Order, but it should say Confidential Consent Agreement.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to amend Guidance Document 150-15 as discussed.

#### **Consideration of Guidelines for Processing Applications for**

**Licensure:** Ms. Blount stated that this proposed new guidance document addresses issues related to processing licensure applications. Currently, the Executive Director has been delegated authority to issue an initial license and renew or reinstate a license to applicants who meet the qualifications as set forth in the law and regulations provided no grounds exist to refuse to grant. She added that the proposed guidance document states that an affirmative response to any question on an application for licensure related to grounds for the Board to refuse to issue a license shall be referred to the Board President to determine how to proceed. This includes those instances where action was taken against the applicant by another state.

Dr. Gottschalk suggested that the language in the first sentence be changed from “has delegated authority” to “has been delegated the authority.”

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the proposed guidance document with the suggested amendment.

## **EXECUTIVE DIRECTOR’S REPORT:**

### **Statistics and Budget**

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

### **Discipline Update**

Ms. Blount provided the Board with the number of cases currently in investigation, probable cause, Administrative Proceedings Division, and the number closed since the February Board meeting.

### **Follow-up from Board meeting held on 2/16/16**

- **Information from the Federal Wildlife Service (FWS) Disposal of Deceased Animals** -- Ms. Blount reported that at the request of the FWS, a mass email was sent to veterinary licensees regarding that contained information on how to avoid secondary pentobarbital poisoning of wildlife.
- **Guidance Document 150-13: Controlled Substances (Schedule II-VI) in Veterinary Practice** – Ms. Blount reported that Ms. Knachel made the suggested amendments to Guidance Document 150-13 following the last board meeting.
- **Other follow-up items from Board meeting held on 2/16/16** – Ms. Blount reported that the other items identified for follow-up by the Executive Director from the last Board meeting will be addressed by Ms. Knachel at the fall meeting.

**NEW BUSINESS:**

Ms. Blount presented Dr. May and Dr. Gottschalk with plaques to honor their eight years of service to the Commonwealth of Virginia as members of the Board of Veterinary Medicine.

Ms. Stamey reported that 4% of the Board of Veterinary Medicine’s licensees are being audited for the CE audit and that the notices will be sent out the following week.

**ADJOURNMENT:**

The meeting adjourned at 10:24 a.m.

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

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

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 Date

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 Date