

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
HOTEL ROANOKE AND CONFERENCE CENTER
ROANOKE, VA
FEBRUARY 7, 2007**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine was called to order at 9:00 a.m. at the Hotel Roanoke and Conference Center, 110 Shenandoah Ave., Roanoke, VA
- PRESIDING OFFICER:** George H. Siemering, DVM, President
- MEMBERS PRESENT:** Henry McKelvin, DVM
Rebecca Lakie, LVT
Jana Froeling, DVM
James DeBell, DVM
John Wise, DVM
- STAFF PRESENT:** Elizabeth Young, Executive Director
Terri Behr, Administrative Specialist
Jack Kotvas, Assistant Attorney General
- OTHERS PRESENT:** Taryn Singleton, LVT, Va. Association of Licensed Veterinary Technicians
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the Board meeting of November 15, 2006 as presented. On properly seconded motion by Dr. McKelvin, the Board voted unanimously to approve the minutes of the Informal Hearings on November 16, 2006. On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the Informal Hearings of January 17, 2007 as presented.
- BOARD DISCUSSIONS:** **EMAIL FROM OFFICER STEVE BARANEK**
The Board discussed an email from Officer Baranek of Gloucester County Animal Control regarding implanting microchips in dogs that are returned to their owners and in emergency situations. The Board stated that although they understand Officer Baranek's plight, their Guidance Document of June 1994 is still the Board's position.

EMAIL FROM STEPHEN ELLIOTT

The Board discussed an email from Stephen Elliott, EMS Supervisor with the Albemarle county Fire and Rescue stating that a citizen had donated 60 sets of animal oxygen/resuscitation masks to be utilized by EMS providers to administer oxygen and ventilation to animals in emergency situations. Mr. Elliott inquired if using these masks would be in violation of §54.1-3800. On properly seconded motion by Dr. Siemering, the Board voted unanimously to have Ms. Young draft a letter to Mr. Elliott that utilizing the masks would be considered humane treatment in an emergency and thus would not violate §54.1-3800.

The Board voted to table the discussion of adopting and repealing Guidance Documents until their next meeting on May 9, 2007. Ms. Young stated that she and Ms. Behr will organize the wording prior to the meeting.

REQUEST FOR WAIVER OF CE

A request was received from Donald Fincher, DVM for a waiver of his continuing education credits for 2006 because of medical conditions. On properly seconded motion by Dr. McKelvin, the Board voted unanimously to waive the requirement for CE for 2006 for Dr. Fincher.

MEDICAL RECORDS CE

Dr. Siemering suggested to the Board that when they are involved with cases that will issue a sanction of obtaining CE in medical record keeping, that they be specific about stating how they want the CE obtained, either through face to face or if the respondent can take online courses. The respondents should be informed that they can obtain the medical record keeping CE through either Blue Ridge Community College or Virginia Tech.

REPORT FROM LEGISLATIVE/ REGULATORY COMMITTEE:

Dr. Siemering reported that the committee covered a lot of ground during their last meeting and are in the process of creating a list of items that various people or organizations have brought to the Committee's attention as needing

clarification or to be addressed. This list is being prepared as a foundation to draft the NOIRA for the periodic regulatory review process. The Committee is also in the process of clarifying the Guidance Documents, some of which will be repealed, while some additional ones will be added. Dr. Siemering stated that the next meeting will take place today, February 7, at 2:00 p.m. with an Open Forum at the beginning for comment.

UPDATE ON EQUINE DENTAL BILL:

Ms. Young updated the Board on the status of House Bill 2363. She stated that the Bill has been approved by the House and is on its way to the Senate and expected to pass.

EXECUTIVE DIRECTOR'S REPORT:

Ms. Young informed the Board about the Governor's new performance management initiative, entitled Virginia Performs, which will set performance measures for each state agency. Ms. Young stated that Dr. Carter is the major staff person designated to gather statistical information for the Dept. of Health Professions (agency) and try to come up with ways in which we can report better for certain measures. The biggest problem for the agency is the measure which states "We will investigate and process cases relating to patient care within 250 days." The agency is only able to reach that measure roughly 30% of the time. Ms. Young stated that the Board of Veterinary Medicine reaches a higher percentage than that though. Dr. Carter and her assistant are looking at ways to increase that measure. Ms. Young stated that they are also looking at processing time of applications. The measure is that the agency process all applications within 30 days of receipt. Some of the Boards have difficulty reaching that measure, but the Board of Veterinary Medicine does very well reaching that measure. Ms. Young stated that the biggest problem is in the investigative process, no matter how many new staff are hired.

Ms. Young informed the Board regarding the Board's statistics and budget. She talked about the number of licensees and that there was approximately a 2 - 4% increase in licensees, with a 16% increase in veterinary technicians in the

last biennium. She also talked about the case summary and the number of cases received and the current volume of cases.

Ms. Young stated that she would like to accompany Ms. Behr to the AAVSB annual meeting in September. She stated that Ms. Behr is familiar with the issues, committees and the other Board staff who attend as she has been involved with the AAVSB and attending the meetings for several years. Ms. Young would like for Ms. Behr to assist her in becoming acquainted with the people and the issues. The Board agreed that Ms. Young should accompany Ms. Behr. They also approved Dr. McKelvin to attend the meeting in September.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 10:35 a.m.

MEETING REOPENED:

Because business that the Board needed to attend to was received after adjournment of the morning meeting, the Board reopened its earlier meeting to deal with this issue. The same Board members as were in attendance at the 9:00 a.m. meeting were in attendance, as were the same staff members.

APPROVAL OF CONSENT ORDER:

The Board was presented with a Consent Order regarding, **Linda O'Brien, DVM**, who was to be scheduled for a Formal Hearing at the Board's next meeting on May 9, 2007. The Consent Order was negotiated by Assistant Attorney General, Clay Garrett and Dr. O'Brien's attorney, Thomas Stallings.

CLOSED SESSION:

On properly seconded motion by Dr. Wise, the Board recessed Open Session and convened in Closed Session pursuant to §2.2-3711(A)(28) of the Code of Virginia for the purpose of deliberation regarding approval of a Consent Order in the matter regarding **Linda O'Brien, DVM**. Additionally, it was moved that Cynthia Gaines, Senior Adjudication Analyst, Administrative Proceedings Division, Elizabeth Young, Executive Director, Jack Kotvas, Assistant Attorney General and Terri Behr, Administrative Specialist attend the closed meeting because

their presence in the closed meeting was deemed necessary and would aid the Committee 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 Committee reconvened in open session and announced its decision.

After Ms. Gaines presented the Consent Order, she left closed session while the Board deliberated.

On properly seconded motion by Dr. Wise, the Board voted unanimously to accept the proposed Consent Order in the matter of Linda O'Brien, DVM.

MEETING ADJOURNED:

The reopened Board meeting adjourned at 2:15 p.m.

George Siemering, DVM, President

Elizabeth C. Young, Executive Director