

**UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES
AUGUST 22, 2002**

TIME AND PLACE: The meeting was called to order at 9:07 a.m. on Thursday, August 26, 2002, at the Department of Health Professions, Conference Room 3, 6606 W. Broad St., Richmond, VA

PRESIDING OFFICER: Jennifer Alden-Tassin, LVT, Acting President

MEMBERS PRESENT: Jerry A. Hinn, DVM
Patricia Jones-Jackson
Henry McKelvin, DVM
Andrew Horner, DVM
John T. Wise, DVM

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Assistant
Robert Nebiker, Agency Director
Howard Casway, Assistant Attorney General
Elaine Yeatts, Senior Regulatory Analyst

OTHERS PRESENT: Lisa Price, Va. Assoc. of Licensed Veterinary Technicians
Susan Seward, Va. Veterinary Medical Assoc.
Karen Shoemaker-Smith
Paul Rowan, DVM

QUORUM: With six members of the Board present, a quorum was established.

OPENING COMMENTS: Ms. Alden-Tassin displayed a plaque that will be presented to Dr. Musselman's wife in his memory. Ms. Alden-Tassin also welcomed the new members to the Board.

PUBLIC HEARING: A Public Hearing was held to receive public comment on amendments to the regulations governing the practice of veterinary medicine that were recommended as a result of a periodic review of the regulations as well as proposed amendments that will increase certain fees charged to licensees. (see attached transcript) No comment was presented.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Hinn, the Board voted unanimously to approve the minutes of the meeting of May 16, 2002 and the Informal Hearings of May 15, 2002 and July 9, 2002 as presented.

EXECUTIVE ORDER 21 (2002):

Ms. Yeatts gave an overview of the attached Executive Order 21 (2002) relating to the Development and Review of Regulations Proposed by State Agencies. One of the changes from the previous Executive Order is the timeframe for required periodic review. It had been every two years but has been expanded to every four years. The Board is not compelled to develop new regulations every four years, but they are to determine if the need exists for regulatory amendment at least every four years. The Board may determine that changes are not needed. The Executive Order does not preclude addressing issues that arise in the interim through regulatory change.

BOARD DISCUSSIONS:

Dr. Hinn led a discussion of recordkeeping requirements for small and large animals. He stated that in his experience there seems to be a large disparity between how the different types of practices are recording medical records. Dr. Hinn feels that medical records on horses should be kept like they are on small animals, with an individual record on each horse. Dr. Wise said to his knowledge, the majority of equine practitioners do keep individual records on each horse and that the owners demand it because they want to know what treatment is rendered to each animal.

The Board discussed a letter from Dr. Paul Rowan regarding veterinary chiropractic. Dr. Rowan was also in attendance and addressed the Board. He asked the Board for a waiver of the requirements to have on premises an oxygen supply source and delivery system, resuscitation bag, endotracheal tubes and an autoclave citing that his strictly chiropractic practice has no need of these items, and they pose an unneeded extra expense.

On properly seconded motion by Dr. Horner, the Board voted unanimously to deny the waiver of

the facility requirements requested by Dr. Rowan because there are no regulatory provisions to allow for such a waiver.

**EXECUTIVE DIRECTOR'S
REPORT:**

Dr. Carter provided the Board with an update from the National Board of Veterinary Medical Examiners (NBVME) on the North American Veterinary Licensing Exam (NAVLE). She informed the Board that the NAVLE fee had increased from \$325 to \$375 effective with the fall of 2003 administration, that the NBVME would support boards that wish to impose a limit on the number of times that a candidate can take the NAVLE, and that there is no consensus among state boards on the proposal for the NBVME to approve candidates to take the NAVLE instead of each state board approving candidates individually so this process will remain unchanged at this time.

Dr. Carter updated the Board on actions taken against PetMed Express by different state boards. She stated that Texas and Ohio have both successfully prosecuted PetMed Express and have levied large fines against them, and the Florida Board of Pharmacy has also disciplined them. It was noted by the Board that the fines probably have little effect on the operations of PetMed Express as they are a multi million dollar company.

Dr. Carter explained that with the current budget crisis in Virginia that mailing of the newsletter would probably have to be sharply curtailed, if not eliminated altogether. The plan is to post it on the Board's website and to send it via e-mail. The Board office is currently in the process of receiving and entering e-mail addresses on a large amount of licensees. Mr. Nebiker advised that soon all notices and orders will be posted daily on the agency website which should alleviate the Board from posting all disciplinary action in its newsletter.

On properly seconded motion by Dr. Horner, the Board moved to approve the draft newsletter for posting on the Internet and distribution as deemed appropriate.

Mr. Nebiker described to the Board the dire budget crisis that Virginia is currently in and that the Department of Health Professions would be making cuts as will all other state agencies.

Dr. Carter informed the Board that during a recent inspector training that she attended, the inspectors posed a question to her regarding clarification as to whether ice chests being used to transport controlled substances, in the course of a mobile practice, should contain a thermometer. The Board's consensus is that thermometers are not required in ice chests.

Dr. Carter stated that the November 7, 2002 board meeting date needs to be changed because the agency will be moving at that time. The Board set a tentative date of December 12, 2002.

Dr. Carter informed the Board that out of the 97 cases currently open for veterinary medicine, 23 are for unlicensed practice. Susan Seward, with the VVMA, stated that she feels that the Virginia legislature would not allow the Board of Veterinary Medicine adjudication authority over non-licensed people practicing veterinary medicine. Ms. Seward stated that in talking with Jane Woods, Secretary of Health and Human Resources, that Ms. Woods agreed with that assessment. Mr. Casway stated that Commonwealth Attorneys generally have no interest in prosecuting misdemeanor cases, but are more willing to prosecute a case if it involves an invasive procedure and is a felony. He recommended that the Investigations Division highlight to the Commonwealth Attorneys whenever the case involves invasive procedures and/or use of controlled substances and may constitute a felony. Dr. Horner would like to see the Board develop a legislative proposal which would allow the Board the authority to assess civil penalties against people who practice veterinary medicine without a license. Dr. Carter stated that once language is drafted for a legislative proposal, it would be placed on the Board's agenda for approval.

ELECTION OF OFFICERS:

On properly seconded motion by Dr. McKelvin, the Board voted unanimously to accept the following slate of officers for fiscal year 2002-2003:

Jerry A. Hinn, DVM – President
Andrew F. Horner, DVM – Vice President
Patricia Jones-Jackson – Secretary-Treasurer

AAVSB ANNUAL MEETING:

Ms. Behr reported on her attendance at the annual meeting of the American Association of Veterinary State Boards in Nashville, TN. She stated that it appears that state veterinary boards across the country are grappling with the same issues: unlicensed practice, PetMed Express, alternative modalities of veterinary medicine and the American Veterinary Medical Association's ECFVG and the American Association of Veterinary State Boards' PAVE programs which assess the knowledge of foreign trained applicants for licensure in the United States.

FORMAL HEARING:

A quorum of the Board held a formal hearing in the case of **David B. Crutchfield, DVM**. Acting Board president Jennifer S. Alden-Tassin, LVT, presided. Patricia Larimer, Senior Adjudication Analyst with the Administrative Proceedings Division, represented the Commonwealth. Howard Casway, Assistant Attorney General was present as counsel for the Board. Dr. Crutchfield was not present and was not represented by counsel.

CLOSED SESSION:

On properly seconded motion by Dr. Hinn, the Board voted unanimously to recess open session and immediately reconvene in closed session pursuant to §2.1-344(A)(28) of the Code of Virginia (1950), as amended, for the purpose of deliberation to reach a decision in the case of David B. Crutchfield, DVM.

OPEN SESSION:

On properly seconded motion by Dr. Hinn, the Board recessed closed session and reconvened in open session and unanimously voted to certify that, to the best of each members' knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law

were discussed in the previous closed meeting and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

BOARD DECISION:

On properly seconded motion by Dr. Horner, the Board voted unanimously to adopt the Findings of Fact and Conclusions of Law as presented by Ms. Larimer. In addition, Dr. Crutchfield's privilege to renew his license to practice veterinary medicine is revoked.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 2:00 p.m.

Jennifer S. Alden-Tassin, LVT, Acting President

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