

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
MAY 17, 2011**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:10 a.m. at the Department of Health Professions (DHP), Perimeter Center, Henrico, Virginia.
- PRESIDING OFFICER:** Joseph A. May, DVM, President
- MEMBERS PRESENT:** John Wise, DVM
James DeBell, DVM
Taryn Singleton, LVT
Kelly Gottschalk, DVM
Constance Pozniak, DVM
- STAFF PRESENT:** Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Diane Reynolds-Cane, M.D., Director, Department of Health Professions
- OTHERS PRESENT:** Robin Schmitz, Virginia Veterinary Medical Association
- ORDERING OF AGENDA:** Ms. Knachel requested that an update on Probable Cause Review be added under Executive Director's Report. On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the agenda with the above addition.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. DeBell, the Board voted unanimously to adopt the minutes of the Regulatory/Legislative Committee meeting of January 19, 2011, as presented.
- Ms. Knachel stated that a correction needed to be made to the minutes of the Board Meeting of January 19, 2011, under Committee Reports for the Inspection Committee. She stated that the inspection committee designation was not an accurate portrayal of the actions of the group that met. What occurred was a workshop gathering to discuss how the group should proceed. Those in attendance did not constitute a public meeting. The discussion at the gathering was accurately presented by Ms. Singleton. Ms. Knachel recommended that the information be moved from committee reports to new business. On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the Board Meeting of January 19, 2011, with corrections as recommended by Ms. Knachel.
- LEGISLATIVE/REGULATORY UPDATE:** Ms. Knachel reported that now is the time to move forward with any legislative changes that the Board wishes to pursue for the 2012 legislative session. Ms. Knachel reported that the draft legislation repealing § 54.1-3809 of the Code of Virginia (Code) did not proceed to the General

Assembly in 2011. She asked if the Board wanted to pursue this same draft legislation during the 2012 General Assembly session.

Ms. Knachel also proposed a legislative change to § 54.1-3801(2) of the Code to remove "to attend" from this section. She reported that the American Veterinary Medical Association's Principles of Veterinary Medicine Ethics defines "attending" as assuming primary responsibility for the case. She stated that the current language may permit a veterinarian, not necessarily licensed in Virginia, to treat cases in Virginia. She stated that the intent of this Code section was most likely to permit veterinarians not licensed in Virginia to consult with a Virginia licensed veterinarian on a case. Ms. Knachel asked the Board if they wanted to pursue this legislation.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to pursue the two legislative changes for the 2012 session of the General Assembly.

Ms. Knachel advised the Board that if they have any items for discussion that would involve regulatory changes, that these be collected and handled when the Board conducts its next biennial regulatory review unless there is an immediate need to make a change.

DISCUSSION ITEMS:

POSSIBLE ADJUSTMENTS TO SANCTIONING REFERENCE POINTS (SRP) WORKSHEET

Ms. Knachel reported that there had been some concerns among board members that a greater point value had been assigned to non-compliance with continuing education (CE) than with drug diversion or impairment. She stated that failure to obtain CE usually only comes up in audits and that she would discuss making adjustments to the worksheet with Neal Kauder at VisualResearch, Inc. Any recommendations would be presented to the Board for consideration.

CE AUDIT REPORT

Ms. Behr reported on the CE audit conducted for 2010 CE. She reported on the number of licensees audited and the results of that audit including the number of cases docketed due to non-compliance.

CE AUDIT SANCTION GUIDANCE DOCUMENT

Ms. Knachel reported that other boards at the Department of Health Professions have created guidance documents that include sanction information for failure to complete CE requirements. A CE guidance document can be easily revised when needed. She reviewed a draft guidance document that included information on requests for CE extensions and exemptions, the audit process, and disciplinary actions for non-compliance with CE requirements. The Board discussed the draft guidance document provided by Ms. Knachel.

Upon review and amendments made to the draft guidance document, Dr. Gottschalk moved to adopt the proposed

guidance document with the revisions as discussed, which was approved unanimously.

GUIDANCE DOCUMENT FOR SUPERVISING VETERINARIANS AT ANIMAL SHELTERS AND POUNDS

Ms. Knachel discussed the guidance document that was created by a joint effort of the Board of Veterinary Medicine staff, Board of Pharmacy staff and the State Veterinarian's office to give guidance and protocols for supervising veterinarians at animal shelters and pounds. She asked the board to consider adopting the document and posting it as a guidance document on the Board's website.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the guidance document for posting on the board's website.

ALTERNATIVE VETERINARY MEDICINE

Ms. Knachel stated that Dr. Pozniak requested that the issue of the Registry of Approved Continuing Education not approving courses on Alternative Medicine be revisited. She stated that this issue had been discussed at a previous board meeting held on November 17, 2009, because several letters had been received addressing concerns with these courses not being approved. At that meeting the Board directed Ms. Knachel to respond with the following statement, which will now be reflected in the minutes:

"On behalf of the Board of Veterinary Medicine (Board), thank you for submitting your letter requesting that the Board communicate its support for the American Association of Veterinary State Boards to approve holistic medicine courses as continuing education. The information and input provided was appreciated. A discussion of the issue occurred during the full board meeting held on November 17, 2009, at which time it was noted that the Board accepts holistic medicine courses to meet continuing education requirements. Following the discussion, the Board decided to take no further action at this time."

REQUESTS FOR CE EXTENSIONS AND EXEMPTIONS

Ms. Knachel reported that the Board had previously given authority to the Board's Executive Director to grant an automatic 90 day extension to licensees who requested it before December 31st of each year. She stated that a policy needed to be in place for those that send their requests after December 31st. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously that any request for exemption or extension received after December 31st annually, should be discussed with one board member.

LABELING OF DENTAL FILMS

Dr. May brought up the issue of labeling dental films. He felt that they should probably be addressed separately in the regulations as these films are too small to be able to comply with the requirements of labeling currently found in the regulations. He stated that "permanent imprinting" no longer applies either as so many x-rays are now digital.

Ms. Knachel suggested that, for the time being, a guidance document could be created to address this issue and that the issue could be brought up again during the board's next regularly scheduled regulatory review process.

DIRECTOR'S REPORT:

Dr. Cane reported on the highlights of the agency's activities. She stated that May 1st was her one year anniversary as Director of the Department of Health Professions and that she is enjoying her role. She also reported on the following: all five of the agency's bills were approved by the General Assembly; Board member training and orientation was a success and will be repeated this year; the agency was involved with the National Take Back Day in 2010 and 2011 for expired and unused controlled drugs and that this year a little under five tons of drugs were turned in; the agency has completed its strategic plan and is working on its biennial plan; and the agency is involved in the Healthcare Workforce Taskforce, the Lyme Disease Taskforce and the Governor's Homeless Outcome Committee. Dr. Cane also reported that the agency has signed a Memorandum of Understanding with the VCU Department of Psychiatry to continue with the Health Practitioner's Monitoring Program for impaired practitioners.

Dr. Cane presented Dr. John Wise with a plaque honoring his nine years of service to the Commonwealth and to the Board.

EXECUTIVE DIRECTOR'S REPORT:

BUDGET

Ms. Knachel reported that the Board of Veterinary Medicine will have a \$300,000 shortfall in their budget by the end of this fiscal year.

NEWSLETTER

Ms. Knachel requested articles or ideas for articles for the next newsletter be sent to her. She stated that the CE audit information will be included in the next newsletter and that it is best to keep newsletters short so that there is more chance that licensees will read it.

PAPERLESS LICENSE

Ms. Knachel reported that the agency is starting to look at the possibility of going to paperless licenses. One idea being looked at is to send a onetime license that would contain no expiration date that included a number or website information that the public could call or access to make sure a practitioner had a current license

VIRGINIA MARYLAND REGIONAL COLLEGE OF VETERINARY MEDICINE (VMRCVM) PRESENTATION

Ms. Knachel reported that the presentation to the senior veterinary students at VMRCVM was a success. Ms. Knachel stated that during a conversation with Dr. Pelzer, Director of Admissions & Student Services at VMRCVM, Dr. Pelzer brought up extending the session to a couple of hours and including some scenarios. In addition, Dr. Pelzer suggested developing a shorter presentation for the first year students. Dr. Gottschalk reported that she gave the presentation to veterinary technician students and that it

was well received.

Dr. DeBell thanked Ms. Knachel for her hard work on the development of the presentation.

INSPECTION COMMITTEE UPDATE

Ms. Knachel reported that the Inspection Committee has not met but updating the inspection form is still a priority and a meeting of the committee will be scheduled in the near future.

PROBABLE CAUSE REVIEW

Ms. Knachel reported that the probable cause review process has been broken down into teams of two board members and generally only one member reviews a case. The reviewing board member may request that the second member of the team review a case if needed. Both team members would hear a case at an informal conference.

ADJOURN:

There being no further business the Board adjourned at 11:10 p.m.

Joseph May, DVM, President

Leslie L. Knachel, MPH, Executive Director