

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FORMAL HEARING
AND FULL BOARD
FEBRUARY 5, 2004**

CALL TO ORDER: A quorum of the Board of Veterinary Medicine was called to order at 1:15 a.m.

PRESIDING OFFICER: Andrew F. Horner, DVM

MEMBERS PRESENT: Henry McKelvin, DVM
Rebecca Lakie, LVT
John T. Wise, DVM

STAFF PRESENT: Elizabeth A. Carter, Ph.D.
Terri Behr
Jane Smith
Neil Berkowitz

OTHERS PRESENT: Howard Casway, Senior Assistant Attorney General
William Garrett, Assistant Attorney General
Jon Stopnes
Kim Shirkani
Klarissa Barimo

MATTER SCHEDULED: **Stephen E. Epstein, DVM**
License No.: 0301006216
Case No.: 90849

Dr. Epstein appeared before the Board in accordance with a Notice of Formal Hearing and Statement of Particulars dated December 23, 2003. Dr. Epstein was not represented by counsel. William Garrett, Assistant Attorney General, represented the Commonwealth. Mr. Casway was legal counsel for the Board. The proceedings were recorded by Patricia A. Brown, RPR, with Central Virginia Reporters.

CLOSED SESSION: On properly seconded motion by Dr. Wise, the Board voted unanimously to convene a closed meeting pursuant to §2.2-3711(A)(28) of the Code of Virginia (1950), as amended, for the purpose of deliberation to reach a decision in the matter of Dr. Epstein. Additionally, it was moved that Dr. Carter and Mr. Casway attend the closed meeting because their presence in the closed meeting was

deemed necessary and would aid the Board 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 Board re-convened in open meeting and announced its decision.

- DECISION:** The Board made certain Findings of Fact and Conclusions of Law and issued Dr. Epstein a reprimand and a monetary penalty.
- FULL BOARD MEETING:** The meeting of the full Board was called to order at 4:15 p.m. on Thursday, February 5, 2004 at the Hotel Roanoke and Conference Center, Roanoke, VA
- PRESIDING OFFICER:** Jerry A. Hinn, DVM, President
- MEMBERS PRESENT:** George H. Siemering, DVM
Henry McKelvin, DVM
John T. Wise, DVM
Andy Horner, DVM
Rebecca Lakie, LVT
- STAFF PRESENT:** Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Specialist
Howard Casway, Senior Assistant Attorney General
- OTHERS PRESENT:** Taryn Singleton, LVT, Va. Assoc. of Licensed Veterinary Technicians
Stuart Porter, VMD, Blue Ridge Community College
John Sexton, DVM
- QUORUM:** With six members of the Board present, a quorum was established.
- CLOSED SESSION:** On properly seconded motion by Dr. Horner, the Board voted unanimously to recess open session and immediately reconvene in closed session pursuant to §2.1-344(A)(7) of the Code of Virginia (1950), as amended, for the purpose of consultation with legal counsel regarding veterinarians lacking documentation of being adjunct faculty for preceptees from the veterinary technology programs. It was also moved that Elizabeth Carter and Terri Behr remain in closed

session as their presence was deemed necessary.

OPEN SESSION:

On properly seconded motion by Dr. Wise, the Board recessed closed session and reconvened in open session and unanimously voted to certify that, to the best of each member's 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.

The Board directed Dr. Carter to send letters to Blue Ridge Community College, Northern Virginia Community College and all of the distance learning programs, informing them that for Virginia to recognize their student's preceptorship status, the schools must provide the veterinarians serving as adjunct faculty with documentation attesting to their status as adjunct faculty.

PUBLIC COMMENT:

Ms. Singleton made public comment regarding the issue of allowing unlicensed assistants to place IV catheters. She stated that the Virginia Association of Licensed Veterinary Technicians is against allowing unlicensed assistants to perform this task as it is a technical skill and invasive. She also stated that she sees no evidence of a shortage of veterinary technicians and does not believe one exists. Ms. Singleton also asked about the possibility of giving the technician exam more than once per year.

Dr. Stuart Porter made public comment regarding the issue of allowing unlicensed assistants to place IV catheters. He is not in favor of allowing unlicensed assistants to place IV catheters and gave the Board several examples of the risk that could be involved.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Horner, the Board voted unanimously to approve the minutes of November 12, 2003 with the correction made on page 1, which was to add the name of

Rebecca Lakie, LVT, to "Others Present".

On properly seconded motion by Dr. Wise, the Board voted unanimously to approve the minutes of the meetings of November 13, 2003 and December 3, 2003 as presented.

BOARD DISCUSSIONS:

Regulatory Review

Dr. Carter stated that, at the last meeting, the Board voted to move forward with the regulatory review process. She informed them that, prior to attempting to draft the Notice of Intended Regulatory Action, the Senior Regulatory Analyst has requested to first meet with the Board to discuss with the members the requirements of the new Executive Order. Dr. Carter described the general process to the Board.

The Regulatory/Legislative Committee asked that a meeting be scheduled for February 26, 2004 at 11:00 a.m.

Placement of Intravenous Catheters

The Board had previously determined that placement of IV catheters by an unlicensed person would constitute unlicensed practice. However, the matter was placed on the agenda for possible reconsideration. No motion for reconsideration was made. As such, unlicensed persons may still not place IV catheters.

Facility question

A letter was received from Jane Lanham regarding a mobile spay/neuter clinic that she plans to open. She wanted the Board's opinion on whether a generator could be considered the source of "emergency lighting". The Board's response was that it would not meet the requirements of emergency lighting and that she should have an emergency battery type of lighting that would come on immediately upon the loss of power.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter handed out a graph detailing the types and number of complaints that the Board has received in the last year and how they break down concerning findings of "violation" vs. "no violation."

Dr. Carter stated that she emailed each board member a copy of the agency's bill tracking report. She described the bills before the General Assembly that may affect the Board of Veterinary Medicine in some manner.

Dr. Carter reported that the AAVSB is seeking a large animal practitioner to sit on the Veterinary Technician Testing Committee for the Veterinary Technician National Board Examination to assist with item development. She asked the Board members if they know of anyone who would like to serve on this committee and if they would please provide name(s) to her by May 1, 2004.

Dr. Carter explained that the Board has been asked by the Governor's office to provide information on any federal issue that is of interest or importance or that may adversely affect the Board or its constituents. She noted that the only relevant issue that she was aware of is the new FDA requirements for compounding drugs.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 6:05 p.m.

Jerry A. Hinn, DVM, President

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