

UNAPPROVED DRAFT
VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPT. OF HEALTH PROFESSIONS
RICHMOND, VA
AUGUST 9, 2006

CALL TO ORDER: A quorum of the Board of Veterinary Medicine was called to order at 10:15 a.m. at the Dept. of Health Professions, 6603 W. Broad St., Conference Room 2, Richmond, VA

PRESIDING OFFICER: John T. Wise, DVM, President

MEMBERS PRESENT: Henry McKelvin, DVM
Rebecca Lakie, LVT
Jana Froeling, DVM
James DeBell, DVM
Dorothy Blackwell

MEMBER NOT PRESENT: George Siemering, DVM

STAFF PRESENT: Elizabeth A. Carter, Ph.D.
Carol Stamey, Administrative Assistant
Emily Wingfield, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Elizabeth Young
Sandra Ryals
Susan Beasecker

OTHERS PRESENT: Taryn Singleton, LVT
Neal Kauder
Kim Langston

PUBLIC COMMENT: No public comment was presented

SANCTION REFERENCE UPDATE: Neal Kauder gave an update on where they are on the sanction reference study for the Board of Veterinary Medicine. Mr. Kauder presented four options as to how to tailor the worksheet to better reflect recent sanctioning decisions. On properly seconded motion by Dr. McKelvin, the Board unanimously approved the third option.

APPROVAL OF MINUTES: On properly seconded motion by Ms. Blackwell, the Board voted unanimously to approve the minutes of the meetings of the May 24, 2006

Legislative/Regulatory Committee, the May 24, 2006 Board meeting, May 31, 2006 and June 15, 2006 as presented.

REPORT FROM THE LEG/REG COMMITTEE:

Ms. Lakie presented the highlights of the proposed changes in the regulations that were discussed at the Committee's meeting this morning. She also stated that the Committee will meet again to continue its review.

BOARD DISCUSSIONS:

CE FOR DISCIPLINARY PURPOSES

Dr. Carter stated that the letter in Tab 6 in the agenda has not been sent yet. Ms. Beasecker stated that practitioners are having a difficult time locating recordkeeping courses to comply with disciplinary Orders. She stated that the Orders are not always consistent. Some Orders require two hours, some more, some require face to face, some do not. Ms. Wingfield suggested that a syllabus should be obtained every time to insure that the courses contain what is required. The Committee determined that form letters signed by Dr. Larsen or Dr. Martin are acceptable as proof of CE. Ms. Wingfield recommended that the Findings of Fact detail the recordkeeping deficiencies and the Orders should be specific as to what is required to address the deficiencies.

VTNE

Dr. Carter updated the Board on the Veterinary Technician National Exam. She stated that a new job analysis has been conducted to determine the facets that are critical for entry level practicing. Dr. Carter stated that the American Association of Veterinary State Boards will give a formal presentation on the new exam content domains in September. The new exam will be administered for the first time in January.

LETTER FROM DR. RUTH CHODROW

A letter was sent to Dr. Wise from Dr. Chodrow asking for guidance on what technician preceptees can legally do while in the preceptorship and then once they graduate, but before their license is issued. Dr. Carter responded previously that once a veterinary technician graduates, they are no longer a

preceptee under the regulations, and cannot practice until they have a license. The board deemed that Dr. Carter's response was sufficient.

EMAIL FROM DR. JULIA MURPHY AT THE DEPT. OF HEALTH

Dr. Murphy e-mailed Ms. Behr because a licensed veterinarian called her to inquire if there were any restrictions to administering rabies vaccine relating to the health status of the animal (i.e. should it only be in perfect health before the vaccine is administered). The Board deemed it a matter for the administering veterinarian to determine based upon clinical judgment as to whether the animal's health is such that a vaccine may be safely administered.

LETTER FROM DR. ALLEN DAHL

A letter was received from Dr. Dahl asking about the potential use of a division name for his large animal services. He stated that Clarksville Veterinary Clinic, Inc. is a licensed full service facility, but he want to expand the large animal services and reference them in the title, such as "XYZ Farm Animal Services, a Division of Clarksville Veterinary Clinic." Ms. Wingfield stated that this is really an advertising issue and that the name cannot be false, misleading or fraudulent. It needs to be clear to the public what the name of the facility is and that it is a registered facility. Dr. Dahl was advised to consult his own attorney for advice on naming his facility.

EXECUTIVE DIRECTOR'S REPORT:

Dr. Carter updated the Board on the current statistics and budget. She commented that licensed veterinary technicians have breached the 1000 mark and exceed the number of veterinary establishments by over 200.

Dr. Carter updated the Board on the cut score for the Species Specific Examination. Dr. Boyce, from the National Board for Veterinary Medical Examiners, explained to Dr. Carter that the cut score is based on a higher level of expectations, even though it is minimal competency, for a seasoned veterinarian who is not at entry level. So the cut score of achieving 50% correct is

based on very difficult questions. The level of difficulty on these questions is much greater than on the test for those for new graduates. The cut score was based on a review by a panel of experts in keeping with current psychometric principles.

Dr. Carter stated that the scheduling of Informals is done by Ms. Behr and that she sends the members involved copies of the notices, as well as a schedule of what Informals they are involved in. The Board asked that they be notified two weeks in advance of the Informal schedule.

Dr. Carter informed the Board that the Citizens Advocacy Center will have their annual national meeting in Williamsburg on Oct. 17 -20 and the Board of Health Professions members will hold a retreat in conjunction. As Dr. Wise is the BHP member for the Board of Veterinary Medicine, he will attend, but the Department has asked for two representatives from each board. Ms. Sandra Ryals gave an overview of the meeting in Williamsburg and of the Citizen Advocacy Center. Ms. Blackwell volunteered to attend the meeting as the second representative from the Board of Veterinary Medicine.

Ms. Wingfield advised the Board of a law that went into effect in July. It provides the option for boards to send advisory letters to respondents when disciplinary action will not be taken when there is a concern that needs to be brought to the attention of the respondent relating to the case. She stated that the Attorney General's office is drafting a sample shell letter to be used in these cases. Ms. Wingfield also advised that the facts of the letter may be shared with the source, but not the content. Any advisory letter that is sent will be considered as part of the Investigative Report and will be subject to the same confidentiality requirements. She suggested that the Board may want to discuss this at the next board meeting as to how they would envision using it.

Elizabeth Young was introduced to the Board as their new Executive Director when the transition

of Executive Directors takes place later this year. The Board was apprised by Ms. Young of her education and background, and she was warmly welcomed by the members.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 11:45 a.m.

FORMAL HEARING:

A quorum of the Board held a formal hearing in the case of **Jerry S. Farris, DVM**. The hearing began at 1:00 p.m. Board President John T. Wise, DVM, presided. William C. Garrett, Assistant Attorney General, represented the Commonwealth. Emily Wingfield, Assistant Attorney General was present as counsel for the Board. Dr. Farris is represented by Harold E. Johnson, Esq., but neither were present. Dr. Farris and his attorney, instead, sent a proposed Consent Order for the Board's consideration to resolve this case. Mr. Garrett presented the Consent Order to the Board. No closed session was held as Board members and staff were the only persons present.

On properly seconded motion by Dr. Froeling, the Board voted unanimously to adopt the Findings of Fact, Conclusions of Law and sanctions as proposed in the Consent Order.

The hearing adjourned at 1:05 p.m.

John T. Wise, DVM, President

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