

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
MARCH 3, 2010**

- CALL TO ORDER:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 10:40 a.m. at the Department of Health Professions (DHP), Perimeter Center, Richmond, VA.
- PRESIDING OFFICER:** James DeBell, DVM, President
- MEMBERS PRESENT:** John Wise, DVM
Joseph May, DVM
Henry McKelvin, DVM
Taryn Singleton, LVT
Kelly Gottschalk, DVM
Dorothy Blackwell
- STAFF PRESENT:** Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Eric Gregory, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Sandra Ryals, Agency Director
- OTHERS PRESENT:** None
- PUBLIC COMMENT:** No public comment was presented.
- ORDERING OF AGENDA:** On properly seconded motion by Ms. Blackwell, the Board voted unanimously to add a discussion of regulatory issues.
- DIRECTOR'S REPORT:** Mrs. Ryals reported to the Board on HB1145, which stated that veterinarians shall report suspected cruelty of animals to the proper authorities. She stated that the Board of Veterinary Medicine amended its regulations to make failing to report suspected animal abuse a basis for disciplinary action. Concern about the Board's action was voiced by the veterinary community that such a requirement, without benefit of protection from subsequent civil action, was unfair to veterinary practitioners. Veterinarians are reluctant to report cases of animal abuse/cruelty when they are subject to civil liability for such reporting. Mrs. Ryals stated that HB1145 has been amended to read that

veterinarians “may” report instead of “shall” report and that if they do report, they would be immune from any civil or criminal liability or administrative penalty or sanction on account of such report.

Mrs. Ryals reported on DHP Performs and stated that the Board of Veterinary Medicine was back at 100% for customer satisfaction and processing licensing applications in a timely manner. She further stated that the Board had met and exceeded the standards for processing of cases within the 250 day standard. Mrs. Ryals stated that the Board’s clearance rate had dropped to 56% in the 2nd quarter of 2010. The previous clearance rate was 108%.

Mrs. Ryals discussed the current budget situation. She stated that the cash transfer for non general fund agencies is still in the budget. The amount the Board of Veterinary Medicine will be responsible for is \$14, 208.

Mrs. Ryals presented a plaque and expressed appreciation to Dr. Henry McKelvin for his service to the Board from July 2002 until his term ends on June 30, 2010.

APPROVAL OF MINUTES:

On properly seconded motion by Dr. Wise, the Board voted unanimously to adopt the minutes of the full board meeting of November 17, 2009, and the minutes of the formal hearings of November 17, 2009, as presented.

REGULATORY ISSUES:

Ms. Yeatts discussed some regulatory concerns. She directed the Board to page twelve of the regulations, number fourteen of 18VAC150-20-140 which refers to reporting evidence of animal abuse to the appropriate authorities. Ms. Yeatts stated that the language needs to be amended to conform with Statutes in that “abuse” should be changed to “cruelty.”

Ms. Yeatts directed the Board to page sixteen of the regulations, 18VAC150-20-190 (E), where it refers to the destruction of controlled substances. She stated that this language is outdated and has been changed in the Board of Pharmacy regulations.

Ms. Yeatts stated that these two issues can be handled through the fast track regulatory process and will be brought before the Board at their next meeting on July 20, 2010.

Ms. Yeatts stated that a veterinarian voiced concerns over the requirement for equine dental technicians to have handled 250 cases in order to be licensed, but in her review of the the regulations, this is not a requirement of the Virginia Board of Veterinary Medicine regulations. Ms. Yeatts stated that this is probably a requirement of the International Association Of Equine Dental Technicians in order to become certified.

BOARD DISCUSSION:

Delegation of authority

Ms. Knachel addressed the Board regarding delegation of authority to the executive director to negotiate pre-hearing consent orders (PHCO) with the chair of a Special Conference Committee (SCC) or a formal hearing. Mr. Gregory stated that the Board does have the authority under the Administrative Process Act to delegate this authority to the Board's executive director. On properly seconded motion by Dr. Gottshalk, the Board voted unanimously to delegate authority to the Board's executive director to negotiate PHCO with the chair of a SCC or a formal hearing.

Basic Animal Rescue Training (BART)

The Board discussed a letter from Dr. Janet Olson, President and Founder of BART, regarding providing firefighters and first responders the skills and tools to deal with animals in emergency situations. Dr. Bart wanted to make the Board aware of this training program, answer any questions or concerns, and ensure that the purpose of the program is not to enable non-veterinarians to practice veterinary medicine illegally.

The Board stated that they do not feel this training program infringes upon the practice of veterinary medicine and that veterinarians may assist as needed. They directed Ms. Knachel to draft a letter to Dr. Olson stating that they offer their support and that Dr. Olson might also want to contact Dr. Samuel Tate, the Virginia

Veterinary Medical Association and the Office of Emergency Management Services.

EXECUTIVE DIRECTOR'S REPORT:

Newsletter

Ms. Knachel reported that she has received articles for the newsletter from several Board members. She stated that she will draft additional articles regarding regulatory changes, Dr. McKelvin's term ending and about Tramadol being rescheduled in the future from Schedule VI to Schedule IV. Ms. Knachel stated that she hopes the newsletter will be ready to be sent out in mid-April.

Statistics

Ms. Knachel reported on the number of licensees and discipline cases and the current budget numbers.

CONSIDERATION OF CONSENT ORDER:

William W. Will, DVM

The Board, with the exception of Drs. DeBell and Gottschalk who recused themselves from the discussion, discussed a proposed PHCO signed by Dr. Will and presented in lieu of proceeding with the formal hearing that was scheduled after today's Board meeting.

On properly seconded motion by Ms. Blackwell, the remaining Board members voted unanimously to accept the PHCO as proposed.

ADJOURN:

There being no further business, and on properly seconded motion by Ms. Blackwell, the Board adjourned at 12:30 p.m.

RECONVENE:

The Board reconvened the board meeting at 12:46 p.m. in order to discuss an additional item that was overlooked in the earlier board meeting.

CE AUDIT:

Ms. Knachel reported to the Board that a random audit of continuing education was in the process of being conducted. Ms. Knachel inquired how the Board wants to handle licensees who do not respond to the letter or who did not obtain their required continuing education.

On properly seconded motion by Dr. DeBell, the Board voted unanimously that a second

notification letter should be sent, via certified mail, to licensees that did not respond to the initial contact. If there still is no response, a case should be docketed and sent to a committee for review. If a licensee responded and did not obtain the required continuing education, they will receive a PHCO with a \$200 fine for veterinarians, and a \$100 fine for veterinary technicians and equine dental technicians. They would also have to make up the continuing education, in addition to the current continuing education, within six months from the date of receipt of the PHCO. This information will be conveyed through the newsletter.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 1:15 p.m.

James DeBell, DVM, President

Leslie L. Knachel, MPH, Executive Director