

**VIRGINIA BOARD OF VETERINARY MEDICINE
FULL BOARD MEETING
COMMONWEALTH CONFERENCE CENTER, BOARD ROOM 1
HENRICO, VA
JULY 21, 2016
AGENDA**

TIME

9:00 a.m.

CALL TO ORDER – Bayard Rucker, DVM, President

ORDERING OF AGENDA – Dr. Rucker

CALL FOR PUBLIC COMMENT – Dr. Rucker

The Board will receive all public comment related to agenda items at this time. The Board will not receive comment on any regulation process for which a public comment period has closed or any pending or closed complaint or disciplinary matter.

APPROVAL OF MINUTES – Dr. Rucker

- Consideration of Block Approval
 - Board Meeting – October 22, 2015
 - Special Session – Conference Call – February 4, 2016
 - Board Meeting – February 16, 2016
 - Formal Hearings – March 17, 2016
 - Consideration of Possible Resolution of Case No. 171453 – May 26, 2016
 - Formal Hearing – May 26, 2016
 - Special Session – Conference Call – June 14, 2016

DIRECTOR'S REPORT – David E. Brown, D.C.

LEGISLATIVE/REGULATORY UPDATE – Elaine Yeatts

- Review of Regulatory Actions
- Volunteer Hours for Continuing Education – HB319
- Public Participation Guidelines Revision
- Faculty Licensure – HB1058
- Presentation of Deceased Animal to Owner—HB312

DISCUSSION ITEMS -

- Guidance Documents Updates
 - Disposition of Routine Inspection Violations
 - Consideration of Guidelines for Processing Applications for Licensure

EXECUTIVE DIRECTOR'S REPORT – Amanda Blount

- Statistics
- Budget
- Discipline Update

NEW BUSINESS – Dr. Rucker

- Plaque Presentation – Amanda Blount

ADJOURNMENT – Dr. Rucker

**VIRGINIA BOARD OF VETERINARY MEDICINE
DRAFT MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 1
HENRICO, VA
OCTOBER 22, 2015**

TIME AND PLACE: A quorum of the Board of Veterinary Medicine (Board) was called to order at 10:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 3, Henrico, Virginia.

PRESIDING OFFICER: Joseph A. May, DVM, President

MEMBERS PRESENT: Kelly Gottschalk, DVM
Ellen Hillyer, DVM
Bayard Rucker, DVM
Taryn Singleton, LVT
Mark Johnson, DVM

MEMBERS NOT PRESENT: Carole Stadfield, Citizen Member

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

STAFF PRESENT: Leslie Knachel, Executive Director
Brandy Gasparotto, Administrative Assistant
Amanda Blount, Deputy Executive Director
David Brown, D.C., Agency Director
Charis Mitchell, Assistant Attorney General, Board Counsel

OTHERS PRESENT: Lee Henkel
Robin Schmitz
Susan Seward
Myles Hopton
Sean McCarthy
Margie Beane

ORDERING OF AGENDA: Ms. Knachel requested that one item under Discussion Items be deleted: "150-XX: Definition of veterinary-client-patient-relationship (proposed)." On properly seconded motion by Dr. Rucker, the Board voted unanimously to re-order the agenda as requested.

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: On properly seconded motion by Ms. Singleton, the Board voted unanimously to approve the Drug Control Act Committee meeting minutes from March 13, 2013 and November 18, 2014.

Dr. May provided comment that the minutes from July 15, 2015, included an inaccurate statement in the "Closing lacerations for small animals outside of an approved surgical suite under the "Policy questions for Board's consideration" that he believed was not accurate. The Board discussed the issue.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to delete "and must be performed within an approved surgical suite" from the first bullet point listed under "Policy questions for the Board's

consideration.”

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to approve the amended minutes from the meeting of July 15, 2015.

DIRECTOR’S REPORT

Dr. Brown provided an update on the agency’s board member training sessions that took place in September and October. He informed the board that the agency’s Deputy Director, Jamie Hoyle, will no longer be serving in this capacity as she has been hired to be the Executive Director for the Behavioral Health boards. He added that beginning in January 2016, registered nurses and licensed practical nurses applying through Virginia will be required to undergo a criminal background check.

LEGISLATIVE/REGULATORY UPDATE:

Ms. Knachel provided the Legislative/Regulatory update in Ms. Yeatts absence.

Regulatory Update

Ms. Knachel reported on the following pending regulatory actions:

- The Notice of Intended Regulatory Action for the periodic review is awaiting Governor’s approval.
- Three actions 1) Increase in CE hours for veterinary technicians; 2) Use of term specialist; and 3) Elimination of restriction on practical training only in final year of veterinary school are awaiting the Secretary’s approval.
- The reduction in establishment reinstatement fee became effective on September 9, 2015.

Report on Wildlife Rehabilitator Work Group

Ms. Knachel updated the board on the request from the General Assembly to convene a workgroup addressing wildlife rehabilitators and access to schedule VI drugs. The workgroup met two times over the summer with Dr. Gottschalk representing the Virginia Board of Veterinary Medicine and Leslie Knachel in attendance. A report was prepared by the workgroup and submitted to the necessary approvals.

DISCUSSION ITEMS:

Litigation Update

Ms. Mitchell informed the Board the Virginia Supreme Court issued a ruling in the case of Lori D. Leonard vs. Virginia Board of Veterinary Medicine. She stated that the Court affirmed the decision of the Court of Appeals which upheld the Board’s decision in this matter.

EDPA as a certifying institution for equine dental technician

Ms. Knachel stated that the board received correspondence from Equine Dental Providers of America (EDPA) requesting the Board approve this organization as a certifying entity for equine dental technicians seeking registration in Virginia. She reviewed documentation provided in the agenda package to aid in the Board’s consideration. The Board discussed the additional information needed to make a decision in this matter.

On properly seconded motion by Dr. Rucker, the Board voted unanimously to convene an Ad Hoc Committee for the purpose of identifying criteria needed to approval a certifying entity for equine dental technicians.

On properly seconded motion by Dr. Rucker, the Board voted unanimously

to table the approval of EDPA as a certifying entity for equine dental technician registration in Virginia until the board has more information to make an informed decision.

Vaccine clinic questions

Ms. Knachel informed the Board of a request to allow a flu vaccine clinic to be held outside of an approved setting. The Board discussed the request and determined that there was no provision to grant a waiver to the regulations to accommodate this request. The Board directed Ms. Knachel to inform the inquirer that a regulatory change would be needed and to consider filing a Petition for Rulemaking.

Update on research of states with faculty licenses

Ms. Knachel reported on research related to other states' authority to issue faculty licenses. Currently, 27 states have veterinary medicine schools and nine states have faculty licensure requirements. The Board directed Ms. Knachel to obtain additional information from Virginia's veterinary medicine school and report back at the next meeting.

Report on American Association of Veterinary State Boards Annual Meeting

Dr. Gottschalk attended the American Association of Veterinary State Boards' (AAVSB) annual meeting in Milwaukee, Wisconsin this year along with Leslie Knachel, Executive Director. She commented that the meeting was very informative and mentioned the following highlights:

- Presentation on the Veterinary Feed Directive;
- Presentation, made by Ms. Knachel, on Virginia's updated veterinary establishment inspection process;
- Presentation on legal cases pertinent to the regulation of veterinary medicine including the Board's Virginia Supreme Court case; and
- Election of Ms. Knachel to the AAVSB Board of Directors.

Update on Veterinary Feed Directive (VFD)

Ms. Knachel updated the board on information related to the federal VFD. She stated that the FDA has determined that Virginia has the necessary law or regulation that addresses the veterinary-client-patient-relationship (VCPR). However, the requirements to establish a VCPR may pose an issue to food producers in Virginia. Ms. Knachel, Caroline Juran, Executive Director Board of Pharmacy and Elaine Yeatts, Senior Policy Analyst will be providing technical assistance to Virginia entities that have concerns about the VCPR requirements.

Guidance Documents

Updates

Ms. Knachel notified the board of changes made to the following guidance documents:

- 150-5: Use of compounded drugs in veterinary practice
A change to the Code of Virginia necessitated an update, **but did** not affect the content of the guidance document.
- 150-13: Controlled substances in veterinary practices

A typographical error was corrected without affecting the content of the guidance document.

- 150-18: Bylaws

The letter “J” was missing which was researched and determined to have been a delegated authority adopted by the Board during a previous meeting. The missing section was added back in.

Adoption Consideration

- 150-9: Board motion in content of a medical record

Ms. Knachel presented revisions to Guidance Document 150-9 for the Board’s consideration. The Board discussed issues with the wording in Number 3 and directed Ms. Knachel to reword and present at the next board meeting.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to delete Number 3 and adopt the revised guidance document.

Veterinary Technicians

- Including a veterinary technician definition in regulations

Ms. Singleton discussed including a definition for veterinary technicians in the regulations when the proposed regulations are reviewed in February 2016. She stated that her researched found that most states define licensed veterinary technicians in regulation or code. Ms. Knachel added the definition request to the list for the proposed regulations.

- Placement of IV catheters by non-licensed personnel

Dr. May discussed his concerns regarding disciplinary action taken against individuals who graduate from a veterinary technician program, are not yet licensed and performing activities limited to a licensed veterinary technician. This mostly relates to placing IV catheters, an activity that may not be performed by an unlicensed person. The Board directed Ms. Knachel to review the veterinary technician application and make any changes that might improve this situation and provide those recommendations at the next board meeting.

EXECUTIVE DIRECTOR’S REPORT:

Statistics

Ms. Knachel updated the Board on the current numbers for licensees in all categories.

Budget

Ms. Knachel updated the Board on the current revenue and expenditure figures.

Cases

Ms. Knachel updated the Board on the current number of complaint cases.

Outreach Communications

Ms. Knachel reported on the following outreach communications:

- Worked with the Virginia Department of Health to send via email information about rabies updates
- Renewal notifications will be sent out the first week of November

NEW BUSINESS:

Officer Election

On properly seconded motion by Dr. Johnson, the Board voted unanimously to elect Dr. Rucker as President.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to elect Dr. Hillyer as Vice-President.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to elect Dr. Johnson as Secretary.

Adoption of 2016 Calendar

On properly seconded motion by Dr. May, the Board voted unanimously to approve 2016 board calendar as presented.

ADJOURNMENT:

The meeting adjourned at 1:22 p.m.

Joseph A. May, DVM
Chair

Leslie L. Knachel, M.P.H
Executive Director

Date

Date

UNAPPROVED DRAFT

**VIRGINIA BOARD OF VETERINARY MEDICINE
SPECIAL SESSION – TELEPHONE CONFERENCE CALL
MINUTES
FEBRUARY 4, 2016**

CALL TO ORDER: Pursuant to § 54.1-2408.1(A) of the Code of Virginia, a telephone conference call of the Virginia Board of Veterinary Medicine was held on February 4, 2016, at 10:00 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, VA 23233, to consider two summary suspensions.

FIRST PRESENTATION: 10:00 a.m.

PRESIDING: Bayard A. Rucker, III, DVM, President

MEMBERS PRESENT: Kelly J. Gottschalk, DVM
Ellen G. Hillyer, DVM
Carole Stadfield
Autumn N. Halsey, LVT
Mark A. Johnson, DVM
Joseph A. May, DVM

QUORUM: With seven members present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Operations Manager
Emily E. Tatum, Administrative Proceedings Division

OTHERS PRESENT: Charis A. Mitchell, Assistant Attorney General, Board Counsel
James E. Schliessmann, Senior Assistant Attorney General
Wayne T. Halbleib, Senior Assistant Attorney General

POLL OF MEMBERS: The Board members were polled as to whether they were able to attend a regular meeting at the offices of the Board in a timely manner for the purpose of hearing evidence for two possible summary suspensions. The majority of Board members stated that they would not have been able to attend.

Nicole L. Lamond, LVT
License No.: 0302000667
Case No.: 169776

James E. Schliessmann presented a summary of the evidence in this case and responded to questions.

CLOSED SESSION: Upon a properly seconded motion by Dr. Hillyer, the Board voted unanimously to convene a closed meeting pursuant to § 2.2-3711(A)(37) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter regarding Nicole L. Lamond, LVT. Additionally, she moved that Charis Mitchell,

- Leslie L. Knachel, and Amanda E. M. Blount attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE IN OPEN SESSION: Dr. Hillyer moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and unanimously passed.

DECISION: Dr. Hillyer moved that the Board summarily suspend the license of **Nicole L. Lamond, LVT**, to practice as a veterinary technician in the Commonwealth of Virginia, pending a formal administrative hearing. Following a second for the motion, a roll call vote was taken. The motion passed unanimously.

Dr. Hiller moved that the Board offer a consent order for indefinite suspension of her license in lieu of a formal hearing. Following a second for the motion, a roll call vote was taken. The motion passed unanimously.

SECOND PRESENTATION: 10:28 a.m.

PRESIDING: Bayard A. Rucker, III, DVM, President

MEMBERS PRESENT: Kelly J. Gottschalk, DVM
Ellen G. Hillyer, DVM
Carole Stadfield
Autumn N. Halsey, LVT
Mark A. Johnson, DVM
Joseph A. May, DVM

QUORUM: With seven members present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Operations Manager
Emily E. Tatum, Administrative Proceedings Division

OTHERS PRESENT: Charis A. Mitchell, Assistant Attorney General, Board Counsel
Wayne T. Halbleib, Senior Assistant Attorney General

Abigail H. Blaine, LVT
License No.: 0302001062
Case Nos.: 169107 & 170447
Wayne T. Halbleib presented a summary of the evidence in this case and responded to questions.

CLOSED SESSION: Upon a properly seconded motion by Dr. Hillyer, the Board voted unanimously to convene a closed meeting pursuant to § 2.2-3711(A)(37) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter regarding Abigail

H. Blaine, LVT. Additionally, she moved that Charis Mitchell, Leslie L. Knachel and Amanda E. M. Blount attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECOVENE IN OPEN SESSION:

Dr. Hillyer moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:

Dr. Hillyer moved that the Board summarily suspend the license of **Abigail H. Blaine, LVT**, to practice as a veterinary technician, pending a formal administrative hearing. Following a second for the motion, a roll call vote was taken. The motion passed unanimously.

Dr. Hillyer moved that the Board offer a consent order for indefinite suspension of her license in lieu of a formal hearing. Following a second for the motion, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

With all business concluded, the Board adjourned at 10:48 a.m.

Bayard A. Rucker, III, DVM - Chair

Leslie L. Knachel, MPH
Executive Director

**VIRGINIA BOARD OF VETERINARY MEDICINE
DRAFT MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 4
HENRICO, VA
FEBRUARY 16, 2016**

- TIME AND PLACE:** A quorum of the Board of Veterinary Medicine (Board) was called to order at 9:02 a.m. at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 4, Henrico, Virginia.
- PRESIDING OFFICER:** Bayard Rucker, DVM, President
- MEMBERS PRESENT:** Kelly Gottschalk, DVM
Autumn Halsey, LVT
Ellen Hillyer, DVM
Joseph May, DVM
Mark Johnson, DVM
- MEMBERS NOT PRESENT:** Carole Stadfield, Citizen Member
- QUORUM:** With six members of the Board present, a quorum was established.
- STAFF PRESENT:** Leslie L. Knachel, Executive Director
Charis Mitchell, Esq., Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Lisa Hahn, MPA., Chief Deputy Director
Terri Behr, Operations Manager
Brandy Latvala, Administrative Assistant
- OTHERS PRESENT:** Lee Henkel
Susan Seward
Taryn Singleton
- ORDERING OF AGENDA:** Ms. Knachel requested to add the presentation of a plaque to Ms. Singleton, LVT, for her years of service on the Board following the "Ordering of Agenda" item. On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to add the additional item to the agenda as requested.
- PRESENTATION OF PLAQUE:** Ms. Knachel presented Ms. Singleton with a plaque to honor her eight years of service to the Commonwealth of Virginia as a member of the Board of Veterinary Medicine.
- PUBLIC COMMENT:** No public comment was presented.
- APPROVAL OF MINUTES:** On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to approve the minutes of the following meetings:
- Inspection Committee Meeting – April 28, 2015
 - Legislative/Regulatory Committee Meeting – June 30, 2015

- Public Hearing – December 2, 2015

**CONSIDERATION TO AMEND
PREVIOUSLY ADOPTED
MINUTES:**

Ms. Knachel explained that the Board voted during the October 22, 2015, board meeting to amend the minutes of the July 15, 2015, meeting as presented. However, the July 15, 2015, minutes contained an omission which resulted in the October 22, 2015, amendment. This amendment needs to be reconsidered. She asked the board to consider amending the previously adopted minutes by adding to the first bullet under “Policy questions for Board’s consideration” the following statement: “For veterinary care provided under a restricted permit limited to a small animal establishment, house call practice, surgery must be performed within an approved surgical suite.”

On properly seconded motion by Dr. Johnson, the Board voted unanimously to approve this block of minutes with the recommended amendment to the minutes of July 15, 2015.

Ms. Yeatts suggested that the policy questions in the minutes of July 15, 2015, be added to the Board’s next agenda for consideration as a guidance document.

DIRECTOR’S REPORT

Lisa Hahn, the new Chief Deputy Director for the Department of Health Professions, introduced herself to the Board.

**LEGISLATIVE/REGULATORY
UPDATE:**

Legislative Update – Leslie Knachel

Ms. Yeatts provided an update of 2016 legislation that directly and indirectly affects the Board.

Petitions for Rulemaking

Ms. Yeatts reported on the following two Petitions for Rulemaking:

- Euthanasia by veterinarians/Court. The petitioner requests an amendment to the regulations that would prohibit euthanizing a pet against a veterinarian’s recommendation if the pet owner is trying to schedule it and veterinarian is not recommending it.

The Board discussed the petition.

On properly seconded motion by Dr. May, the Board voted unanimously to take no action on the petitioner’s request because the veterinarian has the ability to refuse euthanizing a pet.

- Amendment to definition of surgery/Schlake – The petitioner requests an amendment to the definition of surgery in the regulations to allow veterinary technicians to perform single layer closure of the gingival flap created by a veterinarian.

The Board discussed the petition.

Dr. May made a motion to accept the request which failed for lack of a second.

On properly seconded motion by Dr. Gottschalk the Board voted 5 to 1 to take no action on the petitioner's request because the definition of surgery only permits an LVT to skin closures and oral mucosa is not skin. The motion passed.

Regulatory Actions

Ms. Yeatts reported on the following regulatory actions for the Board's consideration:

- **Use of the term "specialist"** – Public comments were reviewed and discussed. Based on the comments, Ms. Yeatts recommended that the Board consider an amendment to the definition of specialist to require that the individual has "been awarded and maintains the status of a..." in order to use the term specialist.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt the final regulations for use of the term specialist to include the recommended amendment.

- **Increase in CE hours for veterinary technicians** – Public comments were reviewed and discussed.

On properly seconded motion by Dr. Johnson, the Board voted unanimously to adopt the final regulations for increasing the continuing education hours from 6 to 8 for licensed veterinary technicians.

- **Elimination of restriction on practical training only in final year of veterinary school** – Public comments were reviewed and discussed.

On properly seconded motion by Dr. Gottschalk, members of the Board voted unanimously to adopt the final regulations for 18VAC150-20-130 related to the elimination of the restriction on practical training only in the final year of veterinary school.

Dr. Gottschalk made a motion that was seconded to adopt the final regulations for elimination of restriction on practical training only in final year of veterinary school and informed consent for surgery.

The Board discussed the final regulation.

Dr. May made a substitute motion to delete 18VAC150-20-173(C) related to requirement for informed consent if a

student is to perform surgery. The motion failed for lack of a second.

The Board voted five to one on the original motion made by Dr. Gottschalk to adopt the final regulations for elimination of restriction on practical training only in final year of veterinary school and informed consent for surgery. The motion passed.

- **Notice for Intended Regulatory Action for Periodic Review (NOIRA)** – Public comments were reviewed and discussed. The following actions were taken:

18VAC150-20-10 – On properly seconded motion by Dr. Hillyer, the Board voted unanimously to add a definition of veterinary technician to mean a person licensed by the Board pursuant to § 54.1-3805 of the Code of Virginia.

18VAC150-20-110(B)(2) – On properly seconded motion by Dr. Johnson, the Board voted unanimously to change “certification” to “verification.”

18VAC150-20-115(2)(c) – On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to change “certification” to “verification.”

18VAC150-20-121(2) – On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to insert following “clinical practice” the words “as a licensed, registered or certified veterinary technician.”

18VAC150-20-172(B) – Dr. May made a motion to delete 18VAC150-20-172(B). The motion failed for lack of a second.

On a properly seconded motion by Dr. Gottschalk, the Board voted to change the second sentence to “An assistant shall not be delegated the induction of sedation or anesthesia by any means. The monitoring of a sedated patient not fully recovered from anesthesia may be delegated to an assistant if a veterinarian remains on the premises.”

18VAC150-20-172(C) – Dr. May made a motion to keep “include but are not limited to the following.” The motion failed for lack of a second.

18VAC150-20-172(E) – On a properly seconded motion by Dr. May, the Board voted unanimously to add after “physical therapy” the words “therapeutic laser treatments” in the format recommended by board counsel following a review of the applicable laws and regulations.

- **18VAC150-20-190(C)(2)** – Dr. May made a motion to keep the original wording. The motion failed for lack of a second.
- **18VAC150-20-190(E)** – On a properly seconded motion by Dr. May the Board voted unanimously to amend the subsection to read “Schedule II – V drugs shall be destroyed in compliance with applicable local, state, and federal laws and regulations. If Schedule II through V drugs are to be destroyed, a DEA drug destruction form shall be fully completed and used as the record of all drugs to be destroyed. A copy of the destruction form shall be retained at the veterinarian practice site with other inventory records.”
- **18VAC150-20-190(F)** - On properly seconded motion by Dr. Johnson, the Board voted unanimously to move last sentence as proposed “The stock of drugs shall be reviewed frequently and expired drugs removed from the working stock of drugs at the expiration date” to a separate subsection. In addition, insert the word “all” after “The stock of” and insert “and shall not be used” after “...at the expiration date.” [Note: The subsections will be re-lettered as appropriate.]
- **18VAC150-20-190(J)** – On properly seconded motion by Dr. May, the Board voted unanimously to rearrange the subsection to read: “Inventories and records, including original invoices, of Schedule II drugs shall be maintained separately from all other records. A continuous inventory shall accurately indicate the physical count of each Schedule II drug in the general and working stocks at the time of performing the inventory. A continuous inventory of all Schedule II drugs received, administered or dispensed, with reconciliation at least monthly. Reconciliation requires an explanation noted on the inventory for any difference between the actual physical count and the theoretical count indicated by the distribution record.
- **18VAC150-20-195(G)** – On a properly seconded motion by Dr. Hillyer, the Board voted unanimously to reorder the contents of the medical record by moving current (G)(2) to follow current (G)(4).
- **18VAC150-20-200(A)(5)(b)** – On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to insert the word “individual” before “radiation exposure badges.”

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to adopt as proposed regulations the draft regulations with the approved amendments.

DISCUSSION ITEMS:

Policy Questions for Consideration

Administration of controlled drugs by an unlicensed assistant.

Ms. Knachel stated that she has received questions related to §54.1-3409 of the Drug Control Act regarding the sentence “He may administer drugs, and he may cause them to be administered by an assistant or orderly under his direction and supervision.” The inquirers were asking for clarification on the meaning of “direction and supervision.” Ms. Knachel will consult with board counsel on this issue and report back to the Board.

Administration of controlled drugs during boarding/hospitalization.

Ms. Knachel stated that she has received several questions regarding who is authorized to administer controlled drugs during boarding or hospitalization at a veterinary facility. She will consult with board counsel on this issue and report back to the Board.

Veterinarians providing stock drugs for administration/dispensing by pet establishments/board facilities.

Ms. Knachel stated that she has been made aware that veterinarians may be providing stock drugs to pet stores and boarding facilities for administration to animals under written protocols similar to the process allowed by the Code of Virginia for public or private shelters. In addition, pet stores may be dispensing the drugs to owners at the time of purchasing a pet. She indicated that there is no allowance in the Drug Control Act for pet store owners or employees to possess a general stock of drugs for administration and dispensing. Ms. Knachel suggesting adding a clarification regarding this issue to Guidance Document *150-13: Controlled Substances in Veterinary Practices*. She indicated that the Board could approve updating the guidance document at this meeting and she will distribute to the Board members prior to posting to ensure accuracy.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to update Guidance Document 150-13 as recommended.

Performance of cystocentesis by unlicensed assistants.

Ms. Knachel stated that she received a question as to whether an unlicensed assistant may perform cystocentesis. Guidance Document *150-2: Guidance on Expanded Duties for Licensed Veterinary Technicians* states the following:

Q: May an LVT perform cystocentesis?

R: The Board’s answer to this question is yes. An LVT may perform Cystocentesis.

The Board unanimously agreed that the performance of cystocentesis cannot be performed by unlicensed assistants because it is invasive, and if done incorrectly could perforate an internal organ.

Follow-up from Board meeting held on 10/22/15

- **Faculty License Research** – Ms. Knachel reported that she and Ms. Yeatts spoke with Dean Clarke and Dr. Swecker, Veterinarian-in-Charge for the animal clinic, at the Virginia-Maryland College of Veterinary Medicine regarding faculty licensure. Based on this conversation and subsequent conversations with the college's legislative representative following introduction of 2016 legislation related to this issue, all believe that licensing faculty will proceed in a cooperative manner.
- **Guidance Document 150-9: Medical Recordkeeping** – Ms. Knachel stated that during its last meeting the Board asked her to rewrite a response regarding recording conversation with owners. Guidance from board counsel indicated that the recording of conversations from owners is not a requirement in the current laws or regulations. Therefore, the guidance document cannot include this information. If desired, the Board can amend its regulations to add a requirement to record owner conversations.
- **Veterinary technician application changes** – Ms. Knachel stated that a review of the application identified that it is used for licensure by examination and endorsement. Therefore, changes cannot be made at this time. However, the application will be moving in the near future to an online process and will be updated at that time.

Update to Guidance Document 150-8: Disposition of Cases Involving Practicing on an Expired License or Permit

Ms. Knachel stated that this guidance document was updated to reflect the reinstatement fee adjustment that became effective on September 9, 2015.

American Association of Veterinary State Boards (AAVSB)

- **Funded delegate for annual meeting** – Ms. Knachel stated that the annual meeting for the AAVSB will be in September. She asked to please let her know if any board member is interested in attending as the voting delegate or Virginia. The AAVSB covers the travel and registration fees for one voting delegate from each member board. Ms. Knachel will be attending as a member of the AAVSB Board of Directors.
- **Call for nominations** – Ms. Knachel stated that AAVSB has asked for nominations for open positions as provided in the agenda package. Please contact her if a board member has a recommendation.
- **Call for annual meeting topics** – Ms. Knachel stated that the

AAVSB has asked for recommendations for annual meeting topics. Please contact her if a board member has a recommendation.

Equine Dental Certifying Entities Committee Report

Dr. Rucker reported that the AD Hoc Committee met once and is working on a guidance document regarding the practice of equine dental technology. In addition, it will continue its discussion on criteria for approving equine dental certifying organizations.

Information from the Federal Wildlife Service (FWS) Disposal of Deceased Animals

Ms. Knachel reported that she had been contacted by a representative from the FWS regarding the disposal of euthanized animals in landfills. The FWS representative indicated that several bald eagles had died from drugs ingested following the scavenging of uncovered euthanized animals in a landfill. The FWS representative directed Ms. Knachel to the American Veterinary Medical Association's guidelines regarding federal fines for the improper disposal of euthanized animals in landfills when the remains contain chemical residues. The Board requested that Ms. Knachel send out an email communication to the licensees regarding this matter.

EXECUTIVE DIRECTOR'S REPORT:

Meeting schedule

Ms. Knachel reported that the Board added March 17, 2016, to its calendar to conduct formal hearings. She also indicated due to additional anticipated formal hearings, other meeting dates may need to be scheduled. The Board will be kept updated on this issue.

Statistics

Ms. Knachel updated the Board on the current numbers for licensees in all categories and the current revenue and expenditure figures.

Outreach

Ms. Knachel stated that she made a licensure presentation on February 3, 2016, to the veterinary technician students at Blue Ridge Community College. In addition, she and Dr. Rucker will be making a licensure presentation to the veterinary students at Virginia Tech on February 26, 2016.

NEW BUSINESS:

There was no new business.

ADJOURNMENT:

The meeting adjourned at 3:16 p.m.
Dr. Rucker also welcomed the Board's newest member, Autumn Halsey, LVT.

Bayard A. Rucker, III, DVM
Chair

Date

Leslie L. Knachel, M.P.H
Executive Director

Date

**VIRGINIA BOARD OF VETERINARY MEDICINE
DEPARTMENT OF HEALTH PROFESSIONS
TRAINING ROOM 2
HENRICO, VA
FORMAL HEARING MINUTES
MARCH 17, 2016**

CALL TO ORDER: The meeting of the Board of Veterinary Medicine was called to order at 11:05 a.m. at the Department of Health Professions, Henrico, VA.

PRESIDING OFFICER: Bayard A. Rucker, D.V.M., President

MEMBERS PRESENT: Autumn Halsey, L.V.T
Mary Spencer, J.D.
Joseph May, D.V.M.
Mark Johnson, D.V.M.
Ellen Hillyer, D.V.M.

MEMBERS ABSENT: Kelly Gottschalk, D.V.M.

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

STAFF PRESENT: Leslie Knachel, Executive Director
Terri Behr, Operations Manager

BOARD COUNSEL: James Rutkowski, Assistant Attorney General

COURT REPORTER: Andrea Pegram

PARTIES ON BEHALF OF THE COMMONWEALTH: Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESSES: Margaret Starks, Senior Investigator
James Luce, D.V.M.
Christopher Bowers
Pamela White, D.V.M.

RESPONDENT WITNESSES: None

MATTER SCHEDULED: Abigail H. Blaine, L.V.T.
License No.: 0302001062
Case Nos.: 169107 & 170447

Ms. Blaine appeared before the Board in accordance with a Notice of Formal Hearing dated February 10, 2016. Ms. Blaine was not represented by counsel. The Board received evidence and sworn testimony from witnesses called by the Commonwealth and from Ms. Blaine regarding the allegations in the Notice.

CLOSED SESSION:

On properly seconded motion by Dr. Hillyer, the Board voted to convene in Closed Session pursuant to §2.2-3711(A)(27) of the Code for the purpose of deliberation to reach a decision in the matter of **Abigail H. Blaine, L.V.T.** Additionally, it was moved that James Rutkowski and Leslie Knachel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Committee reconvened in open session and announced its decision.

DECISION:

On properly seconded motion by Dr. Hillyer, the Board voted unanimously to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth with the additional Finding of Fact that Ms. Blaine stated her sobriety date as February 16, 2016.

On properly seconded motion by Dr. Hillyer, the Board voted unanimously to indefinitely suspend the license of Abigail H. Blaine, LVT, for not less than two years from the date of entry of the Order.

ADJOURNMENT:

The Formal Hearing adjourned at 1:06 p.m.

Bayard A. Rucker, DVM –President

Leslie L. Knachel, MPH, Executive Director

**VIRGINIA BOARD OF VETERINARY MEDICINE
DEPARTMENT OF HEALTH PROFESSIONS
TRAINING ROOM 2
HENRICO, VA
FORMAL HEARING MINUTES
MARCH 17, 2016**

CALL TO ORDER: The meeting of the Board of Veterinary Medicine was called to order at 2:05 p.m. at the Department of Health Professions, Henrico, VA.

PRESIDING OFFICER: Bayard A. Rucker, DVM, President

MEMBERS PRESENT: Autumn Halsey, LVT
Mary Spencer, J.D.
Joseph May, DVM
Mark Johnson, DVM
Ellen Hillyer, DVM

MEMBERS ABSENT: Kelly Gottschalk, D.V.M.

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

STAFF PRESENT: Leslie Knachel, Executive Director
Terri Behr, Operations Manager

BOARD COUNSEL: James Rutkowski, Assistant Attorney General

COURT REPORTER: Andrea Pegram

PARTIES ON BEHALF OF THE COMMONWEALTH: Emily Tatum, Adjudication Specialist

COMMONWEALTH WITNESSES: Gayle Miller, Senior Investigator
Amy Stewart, HPMP

MATTER SCHEDULED: **Brian T. Donohue, DVM**
License No.: 0301007251
Case No.: 157986

The Chair noted that Dr. Donohue was noticed to appear before the Board at 2:00 p.m. and that the time was now 2:05 p.m. Ms. Tatum presented an affidavit attesting that the Amended Notice dated March 1, 2016, had been sent to Dr. Donohue's address of record via certified and first class mail and to an alternate address, where Dr.

Donohue stated he was living at the time via UPS overnight. The Chair ruled that proper notice of the proceeding was provided to Dr. Donohue and the formal hearing proceeded in his absence.

The Board received evidence and sworn testimony from the witnesses called by the Commonwealth.

CLOSED SESSION:

On properly seconded motion by Dr. Hillyer, the Board voted to convene in Closed Session pursuant to §2.2-3711(A)(27) of the Code for the purpose of deliberation to reach a decision in the matter of **Brian T. Donohue, D.V.M.** Additionally, it was moved that James Rutkowski and Leslie Knachel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code of Virginia, the Committee reconvened in open session and announced its decision.

DECISION:

On properly seconded motion by Dr. Hillyer, the Board voted unanimously to accept the Findings of Fact and Conclusions of Law as presented by the Commonwealth.

On properly seconded motion by Dr. Hillyer, the Board voted unanimously to deny reinstatement of Dr. Donohue's license to practice veterinary medicine in the Commonwealth.

ADJOURNMENT:

The Formal Hearing adjourned at 2:45 p.m.

Bayard A. Rucker, DVM –President

Leslie L. Knachel, MPH, Executive Director

**VIRGINIA BOARD OF VETERINARY MEDICINE
CONSIDERATION OF POSSIBLE RESOLUTION OF CASE NO. 171453
MAY 26, 2016**

CALL TO ORDER: The meeting of the Virginia Board of Veterinary Medicine was called to order at 1:50 p.m., on May 26, 2016, at the Virginia Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, Board Room 1, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Bayard A. Rucker, III, D.V.M., President

MEMBERS PRESENT: Kelly J. Gottschalk, D.V.M.
Mark A. Johnson, D.V.M.
Mary Yancey Spencer, J.D.

MEMBERS ABSENT: Ellen G. Hillyer, D.V.M.
Autumn N. Halsey, L.V.T.
Joseph A. May, D.V.M.

QUORUM: With four members present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Operations Manager

BOARD COUNSEL: Charis A. Mitchell, Assistant Attorney General

**Colleen C. Morgan, D.V.M.
Case No. 171453:**

The Board received information regarding a Consent Order signed by Dr. Morgan for the resolution of her case in lieu of proceeding with an informal conference or formal administrative hearing.

CLOSED SESSION: Dr. Johnson moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Colleen C. Morgan, D.V.M.** Additionally, he moved that Ms. Mitchell, Ms. Knachel, Ms. Blount, and Ms. Behr attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

RECONVENE:

Dr. Johnson moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Dr. Gottschalk moved that the Board accept the Consent Order that was signed by Dr. Morgan in lieu of proceeding with an informal conference or a formal administrative hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURN:

The meeting adjourned at 1:54 p.m.

Bayard A. Rucker, III, D.V.M., President

Leslie L. Knachel, MPH, Executive Director

**VIRGINIA BOARD OF VETERINARY MEDICINE
FORMAL HEARING
MAY 26, 2016**

CALL TO ORDER: The meeting of the Virginia Board of Veterinary Medicine was called to order at 2:05 p.m., on May 26, 2016, at the Virginia Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, Board Room 1, 9960 Mayland Drive, Henrico, VA 23233.

PRESIDING: Bayard A. Rucker, III, D.V.M., President

MEMBERS PRESENT: Kelly J. Gottschalk, D.V.M.
Mark A. Johnson, D.V.M.
Mary Yancey Spencer, J.D.

MEMBERS ABSENT: Ellen G. Hillyer, D.V.M.
Autumn N. Halsey, L.V.T.
Joseph A. May, D.V.M.

QUORUM: With four members present, a quorum was established.

STAFF PRESENT: Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Operations Manager

BOARD COUNSEL: Charis A. Mitchell, Assistant Attorney General

COURT REPORTER: Andrea Pegram

PARTIES ON BEHALF OF THE COMMONWEALTH: Emily E. Tatum, Adjudication Specialist

COMMONWEALTH WITNESS: Leith D. Ellis, Senior Inspector

RESPONDENT WITNESSES: None

MATTER SCHEDULED: Thomas L. Rohlk, D.V.M.
License No.: 0301-002644
Case Nos.: 150773 & 150781

Dr. Rohlk appeared before the Board in accordance with a Notice of Formal Hearing dated April 8, 2016. Dr. Rohlk was not represented by counsel. The Board received evidence and sworn testimony from the witness called by the Commonwealth and from Dr. Rohlk regarding the allegations in the Notice.

CLOSED SESSION:

Dr. Gottschalk moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia ("Code") for the purpose of deliberation to reach a decision in the matter of **Thomas L. Rohlk, D.V.M.** Additionally, she moved that Ms. Mitchell and Ms. Knachel attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

RECONVENE:

Dr. Gottschalk moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Dr. Gottschalk moved to accept the Findings of Facts and Conclusions of Law as presented by the Commonwealth, amended by the Board, and read by Ms. Mitchell. The motion was seconded and passed.

Ms. Mitchell reported that the Board decided to place Dr. Rohlk on probation for a period of one year with certain terms and conditions.

Dr. Gottschalk moved to adopt the sanctions as read by Ms. Mitchell. The motion was seconded and passed.

ADJOURNMENT:

The formal hearing adjourned at 5:00 p.m.

Bayard A. Rucker, III, D.V.M., President

Leslie L. Knachel, MPH, Executive Director

DRAFT

**VIRGINIA BOARD OF VETERINARY MEDICINE
SPECIAL SESSION – TELEPHONE CONFERENCE CALL
JUNE 14, 2016
MINUTES**

CALL TO ORDER: Pursuant to § 54.1-2400(13) of the Code of Virginia, a telephone conference call of the Virginia Board of Veterinary Medicine (“Board”) was called to order on June 14, 2016, at 8:30 a.m., to consider a Consent Order for possible resolution of Case No. 162025.

PRESIDING: Bayard A. Rucker, III, D.V.M. - Chair

MEMBERS PRESENT: Kelly J. Gottschalk, D.V.M.
Autumn N. Halsey, L.V.T.
Mary Yancey Spencer, J.D.

MEMBERS ABSENT: Mark A. Johnson, D.V.M.

MEMBERS EXCUSED: Ellen G. Hillyer, M.P.H., D.V.M.
Joseph A. May, D.V.M.

QUORUM: With four members of the Board participating, a quorum was established.

STAFF PRESENT: Amanda E. M. Blount, Deputy Executive Director
Terri H. Behr, Discipline/Compliance Operations Manager
Joy Malonza, Intern

**Tiffany Michelle Gray, L.V.T.
Case No. 162025** The Board received information from Ms. Blount regarding a Consent Order signed by Ms. Gray for the resolution of her case in lieu of proceeding with a formal administrative hearing.

CLOSED SESSION: Ms. Halsey moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia (“Code”) for the purpose of deliberation to reach a decision in the matter of **Tiffany Michelle Gray, L.V.T.** Additionally, she moved that Ms. Blount attend the closed meeting because her presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

RECONVENE: Ms. Halsey moved that the Board certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was

seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

DECISION:

Dr. Gottschalk moved that the Board accept the Consent Order that was signed by Ms. Gray in lieu of proceeding with a formal administrative hearing. Following a second, a roll call vote was taken. The motion passed unanimously.

ADJOURNMENT:

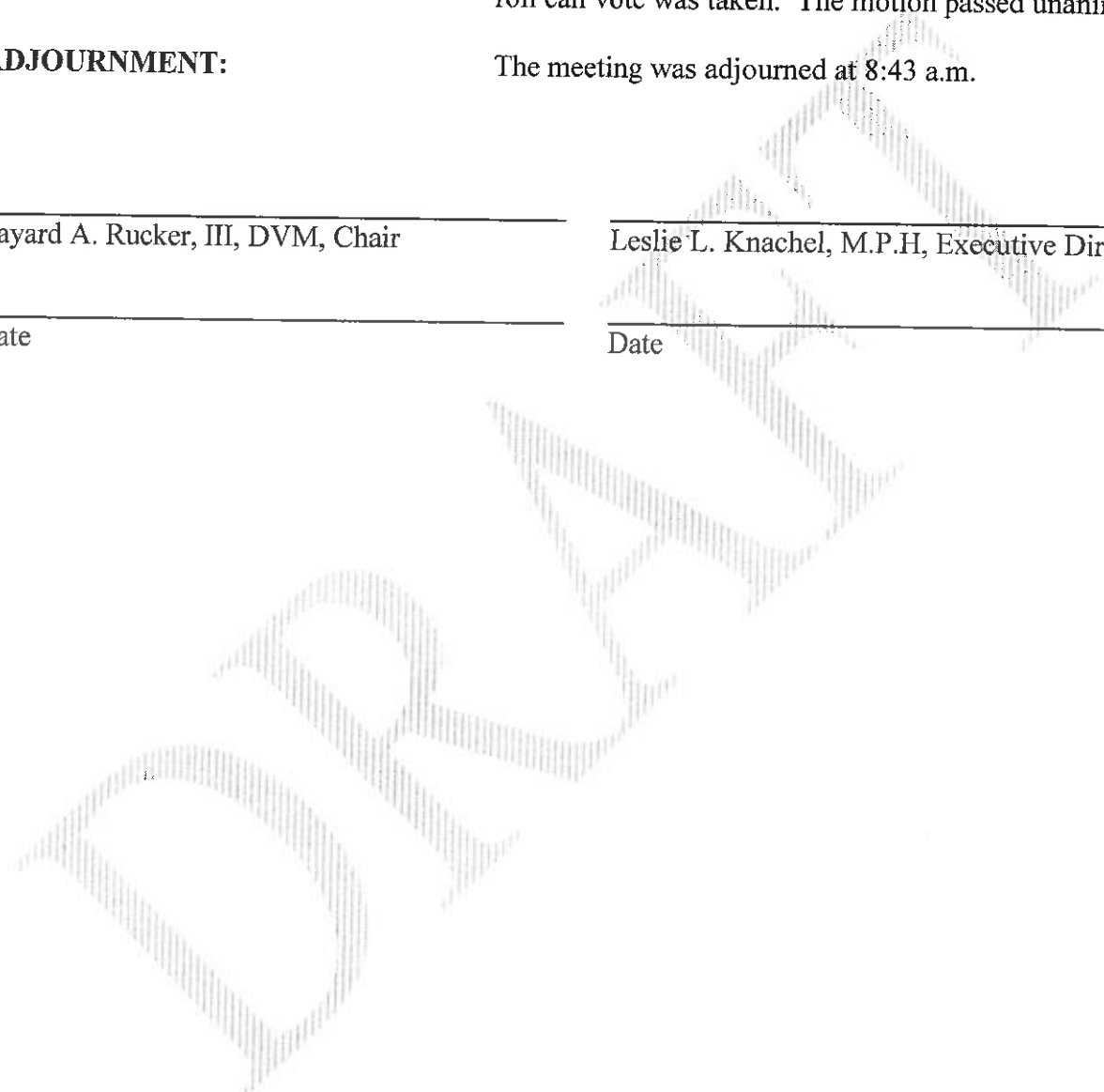
The meeting was adjourned at 8:43 a.m.

Bayard A. Rucker, III, DVM, Chair

Leslie L. Knachel, M.P.H, Executive Director

Date

Date



**Agenda Item: Regulatory Actions - Chart of Regulatory Actions
As of July 12, 2016**

Chapter		Action / Stage Information
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<u>Periodic review</u> [Action 4428] Proposed - <i>DPB Review in progress</i>
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<u>Use of the term specialist</u> [Action 4329] Final - <i>Register Date: 6/27/16</i> <i>Effective: 7/27/16</i>
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<u>Increase in CE hours for veterinary technicians</u> [Action 4193] Final - <i>Register Date: 7/11/16</i> <i>Effective: 8/10/16</i>
[18 VAC 150 - 20]	Regulations Governing the Practice of Veterinary Medicine	<u>Elimination of restriction on practical training only in final year of veterinary school</u> [Action 4277] Final - <i>Register Date: 6/27/16</i> <i>Effective: 7/27/16</i>

Agenda Item: Board action on Continuing Education Regulations

Included in your agenda package are:

A copy of HB319 of the 2016 General Assembly

A copy of the statutory authority in Chapter 38 of Title 54.1 to establish continuing education requirements

A copy of the DRAFT regulations

Staff Note:

The legislation requires promulgation of regulations to allow some volunteer service time to count towards meeting CE requirements. The mandate takes effect January 1, 2017.

Board action:

- 1) To adopt the amendments to Chapter 20 by fast-track action; or
- 2) To defer action to the October, 2016 meeting.

Code of Virginia
Title 54.1. Professions and Occupations
Chapter 38. Veterinary Medicine

§ 54.1-3805.2. Continuing education.

The Board shall adopt regulations which provide for continuing education requirements for relicensure and licensure by endorsement of veterinarians and veterinary technicians. After January 1, 1997, a veterinarian shall be required to complete a minimum of fifteen hours, and a veterinary technician shall be required to complete a minimum of six hours of approved continuing education annually as a condition for renewal of a license. Continuing education courses shall be approved by the Board or by a Board-approved organization. Regulations of the Board adopted pursuant to this section may provide for the waiver of such continuing education requirements upon conditions as the Board deems appropriate.

1995, c. 99.

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 82

An Act to amend and reenact § 54.1-2400 of the Code of Virginia, relating to continuing education requirements; volunteer health services.

Approved March 1, 2016

[H 319]

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.
2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.
3. To register, certify, license or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.
4. To establish schedules for renewals of registration, certification, licensure, and the issuance of a multistate licensure privilege.
5. To levy and collect fees for application processing, examination, registration, certification or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.
6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which *that* are reasonable and necessary to administer effectively the regulatory system, *which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services.* Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title.
7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license or multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law and regulations.
8. To appoint designees from their membership or immediate staff to coordinate with the Director and the Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.
9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept, in their discretion, the surrender of a license, certificate, registration or multistate licensure privilege in lieu of disciplinary action.
10. To appoint a special conference committee, composed of not less than two members of a health regulatory board or, when required for special conference committees of the Board of Medicine, not less than two members of the Board and one member of the relevant advisory board, or, when required for special conference committees of the Board of Nursing, not less than one member of the Board and one member of the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license, certification, registration, permit or multistate licensure privilege in nursing. The special conference committee may (i) exonerate; (ii) reinstate; (iii) place the practitioner or permit holder on probation with such terms as it may deem appropriate; (iv) reprimand; (v) modify a previous order; (vi) impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure, certification, registration, permit, or multistate licensure privilege; and (viii) issue a restricted license, certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order of the special conference committee shall become final 30 days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 2.2-4020, and the action of the committee shall be vacated.

This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019, upon receipt of information that a practitioner may be subject to a disciplinary action. The recommendation of such subordinate may be considered by a panel consisting of at least five board members, or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board.

11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.

12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.

13. To meet by telephone conference call to consider settlement proposals in matters pending before special conference committees convened pursuant to this section, or matters referred for formal proceedings pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties.

14. To request and accept from a certified, registered or licensed practitioner or person holding a multistate licensure privilege to practice nursing, in lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A confidential consent agreement shall be entered into only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not enter into a confidential consent agreement if there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or the public. A certified, registered or licensed practitioner who has entered into two confidential consent agreements involving a standard of care violation, within the 10-year period immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive public discipline for any subsequent violation within the 10-year period unless the board finds there are sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

15. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board, after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit to a mental or physical examination. Failure to submit to the examination shall constitute grounds for disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice nursing.

2. That the provisions of this act shall become effective on January 1, 2017.

DRAFT amendment for HB319 (for board discussion)

18VAC150-20-70. Licensure Renewal Requirements.

A. Every person licensed by the board shall, by January 1 of every year, submit to the board a completed renewal application and pay to the board a renewal fee as prescribed in 18VAC150-20-100. Failure to renew shall cause the license to lapse and become invalid, and practice with a lapsed license may subject the licensees to disciplinary action by the board. Failure to receive a renewal notice does not relieve the licensee of his responsibility to renew and maintain a current license.

B. Veterinarians shall be required to have completed a minimum of 15 hours, and veterinary technicians shall be required to have completed a minimum of eight hours, of approved continuing education for each annual renewal of licensure. Continuing education credits or hours may not be transferred or credited to another year.

1. Approved continuing education credit shall be given for courses or programs related to the treatment and care of patients and shall be clinical courses in veterinary medicine or veterinary technology or courses that enhance patient safety, such as medical recordkeeping or compliance with requirements of the Occupational Health and Safety Administration (OSHA).

2. An approved continuing education course or program shall be sponsored by one of the following:

- a. The AVMA or its constituent and component/branch associations, specialty organizations, and board certified specialists in good standing within their specialty board;
- b. Colleges of veterinary medicine approved by the AVMA Council on Education;
- c. International, national, or regional conferences of veterinary medicine;
- d. Academies or species specific interest groups of veterinary medicine;
- e. State associations of veterinary technicians;
- f. North American Veterinary Technicians Association;
- g. Community colleges with an approved program in veterinary technology;
- h. State or federal government agencies;
- i. American Animal Hospital Association (AAHA) or its constituent and component/branch associations;

j. Journals or veterinary information networks recognized by the board as providing education in veterinary medicine or veterinary technology; or

k. An organization or entity approved by the Registry of Approved Continuing Education of the American Association of Veterinary State Boards.

3. A licensee is exempt from completing continuing education requirements and considered in compliance on the first renewal date following his initial licensure by examination.

4. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters.

5. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such an extension shall not relieve the licensee of the continuing education requirement.

6. Licensees are required to attest to compliance with continuing education requirements on their annual license renewal and are required to maintain original documents verifying the date and subject of the program or course, the number of continuing education hours or credits, and certification from an approved sponsor. Original documents must be maintained for a period of two years following renewal. The board shall periodically conduct a random audit to determine compliance. Practitioners selected for the audit shall provide all supporting documentation within 10 days of receiving notification of the audit.

7. Continuing education hours required by disciplinary order shall not be used to satisfy renewal requirements.

8. Up to two hours of the 15 hours required for annual renewal of a veterinarian license and up to one hour of the eight required for annual renewal of a veterinary technician license may be satisfied through delivery of veterinary services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

C. A licensee who has requested that his license be placed on inactive status is not authorized to perform acts that are considered the practice of veterinary medicine or veterinary technology and, therefore, shall not be required to have continuing education for annual renewal. To reactivate a license, the licensee is required to submit evidence of completion of continuing education hours as required by § 54.1-3805.2 of the Code of Virginia equal to the number of years in which the license has not been active for a maximum of two years.

Agenda Item: Board action on Public Participation Guidelines (PPG)

Included in your agenda package are:

A copy of the applicable law in the Administrative Process Act (APA)

A copy of the applicable section of the Board's PPG regulations

Staff Note:

The action to conform the regulation to language in the Code.

Board action:

To adopt the amendment to 18VAC150-11-50.

BOARD OF VETERINARY MEDICINE

Conformity to Code

Part III

Public Participation Procedures

18VAC150-11-50. Public comment.

A. In considering any nonemergency, nonexempt regulatory action, the agency shall afford interested persons an opportunity to (i) submit data, views, and arguments, either orally or in writing, to the agency; and (ii) be accompanied by and represented by counsel or other representative. Such opportunity to comment shall include an online public comment forum on the Town Hall.

1. To any requesting person, the agency shall provide copies of the statement of basis, purpose, substance, and issues; the economic impact analysis of the proposed or fast-track regulatory action; and the agency's response to public comments received.
2. The agency may begin crafting a regulatory action prior to or during any opportunities it provides to the public to submit comments.

B. The agency shall accept public comments in writing after the publication of a regulatory action in the Virginia Register as follows:

1. For a minimum of 30 calendar days following the publication of the notice of intended regulatory action (NOIRA).
2. For a minimum of 60 calendar days following the publication of a proposed regulation.

3. For a minimum of 30 calendar days following the publication of a repropoed regulation.
4. For a minimum of 30 calendar days following the publication of a final adopted regulation.
5. For a minimum of 30 calendar days following the publication of a fast-track regulation.
6. For a minimum of 21 calendar days following the publication of a notice of periodic review.
7. Not later than 21 calendar days following the publication of a petition for rulemaking.

C. The agency may determine if any of the comment periods listed in subsection B of this section shall be extended.

D. If the Governor finds that one or more changes with substantial impact have been made to a proposed regulation, he may require the agency to provide an additional 30 calendar days to solicit additional public comment on the changes in accordance with § 2.2-4013 C of the Code of Virginia.

E. The agency shall send a draft of the agency's summary description of public comment to all public commenters on the proposed regulation at least five days before final adoption of the regulation pursuant to § 2.2-4012 E of the Code of Virginia.

Agenda Item: Notice of Intended Regulatory Action

Included in agenda package:

Copy of HB1058 of the 2016 General Assembly
Copy of law and regulations from Boards of Dentistry and Medicine

Board action:

Adoption of a NOIRA to begin promulgation of regulations for a faculty license and an intern/resident license for persons providing clinical care to animals at the veterinary school.

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 306

An Act to amend and reenact §§ 54.1-3801 and 54.1-3804 of the Code of Virginia, relating to practice of veterinary medicine.

Approved March 7, 2016

[H 1058]

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3801 and 54.1-3804 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within ~~this~~ *the* Commonwealth;

3. Veterinarians employed by the United States or by ~~this~~ *the* Commonwealth while actually engaged in the performance of their official duties, *with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;*

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of ~~this~~ *the* Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

§ 54.1-3804. Specific powers of Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To establish essential requirements and standards for approval of veterinary programs.

2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in college or university programs of veterinary medicine or veterinary technology.

3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.

4. *To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.*

2. That the provisions of this act that amend § 54.1-3801 shall become effective on July 1, 2018.

3. That the Board of Veterinary Medicine shall adopt regulations for the licensure of veterinarians employed by the United States or the Commonwealth who are engaged in the practice of veterinary medicine, pursuant to § 54.1-3801, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth by July 1, 2018.

Code of Virginia
Title 54.1. Professions and Occupations
Chapter 27. Dentistry

§ 54.1-2711.1. Temporary licenses to persons enrolled in advanced dental education programs; Board regulations.

A. Upon recommendation by the dean of the school of dentistry or the dental program director, the Board may issue a temporary annual license to practice dentistry to persons enrolled in advanced dental education programs and persons serving as dental interns, residents or post-doctoral certificate or degree candidates in hospitals or schools of dentistry that maintain dental intern, residency or post-doctoral programs accredited by the Commission on Dental Accreditation of the American Dental Association. Such license shall expire upon the holder's graduation, withdrawal or termination from the relevant program.

B. Temporary licenses issued pursuant to this section shall authorize the licensee to perform patient care activities associated with the program in which he is enrolled that take place only within educational facilities owned or operated by, or affiliated with, the dental school or program. Temporary licenses issued pursuant to this section shall not authorize a licensee to practice dentistry in nonaffiliated clinics or private practice settings.

C. The Board may prescribe such regulations not in conflict with existing law and require such reports from any hospital or the school of dentistry operating an accredited advanced dental education program in the Commonwealth as may be necessary to carry out the provisions of this section.

2004, c. 754; 2012, cc. 20, 116.

Code of Virginia
Title 54.1. Professions and Occupations
Chapter 27. Dentistry

§ 54.1-2713. Licenses to teach dentistry; renewals.

A. Upon payment of the prescribed fee and provided that no grounds exist to deny licensure pursuant to § 54.1-2706, the Board may grant, without examination, a faculty license to teach dentistry in a dental program accredited by the Commission on Dental Accreditation of the American Dental Association to any applicant who meets one of the following qualifications:

1. Is a graduate of a dental school or college or the dental department of a college or university, has a current unrestricted license to practice dentistry in at least one other United States jurisdiction, and has never been licensed to practice dentistry in the Commonwealth; or
2. Is a graduate of a dental school or college or the dental department of a college or university, has completed an advanced dental education program accredited by the Commission on Dental Accreditation of the American Dental Association, and has never been licensed to practice dentistry in the Commonwealth.

B. The dean or program director of the accredited dental program shall provide to the Board verification that the applicant is being hired by the program and shall include an assessment of the applicant's clinical competency and clinical experience that qualifies the applicant for a faculty license.

C. The holder of a license issued pursuant to this section shall be entitled to perform all activities that a person licensed to practice dentistry would be entitled to perform and that are part of his faculty duties, including all patient care activities associated with teaching, research, and the delivery of patient care, which take place only within educational facilities owned or operated by or affiliated with the dental school or program. A licensee who is qualified based on educational requirements for a specialty board certification shall only practice in the specialty for which he is qualified. A license issued pursuant to this section shall not authorize the holder to practice dentistry in nonaffiliated clinics or in private practice settings.

D. Any license issued under this section shall expire on June 30 of the second year after its issuance or shall terminate when the licensee leaves employment at the accredited dental program. Such license may be renewed annually thereafter as long as the accredited program certifies to the licensee's continuing employment.

1975, c. 479, § 54-175.1; 1976, c. 327; 1988, c. 765; 2005, cc. 505, 587; 2012, cc. 20, 116.

BOARD OF DENTISTRY

Restricted licenses & permits

18VAC60-21-230. Qualifications for a restricted license; temporary permit or license.

A. Temporary permit for public health settings. A temporary permit shall be issued only for the purpose of allowing dental practice in a dental clinic operated by a state agency or a Virginia charitable organization as limited by § 54.1-2715 of the Code.

1. Passage of a clinical competency examination is not required, but the applicant cannot have failed a clinical competency examination accepted by the board.

2. A temporary permit will not be renewed unless the holder shows that extraordinary circumstances prevented the holder from taking the licensure examination during the term of the temporary permit.

B. Faculty license. A faculty license shall be issued for the purpose of allowing dental practice as a faculty member of an accredited dental program when the applicant meets the entry requirements of § 54.1-2713 of the Code.

1. A faculty license shall remain valid only while the holder is serving on the faculty of an accredited dental program in the Commonwealth. When any such license holder ceases to continue serving on the faculty of the dental school for which the license was issued, the licensee shall surrender the license, which shall be null and void upon termination of employment.

42. The dean of the dental school shall notify the board within five working days of such termination of employment.

C. Restricted license to teach for foreign dentists. The board may issue a restricted license to a foreign dentist to teach in an accredited dental program in the Commonwealth in accordance with provisions of § 54.1-2714 of the Code.

D. Temporary licenses to persons enrolled in advanced dental education programs. A dental intern, resident, or post-doctoral certificate or degree candidate shall obtain a temporary license to practice in Virginia in accordance with provisions of § 54.1-2711.1 of the Code.

1. The applicant shall submit a recommendation from the dean of the dental school or the director of the accredited advanced dental education program specifying the applicant's acceptance as an intern, resident, or post-doctoral certificate or degree candidate. The beginning and ending dates of the internship, residency, or post-doctoral program shall be specified.

2. The temporary license permits the holder to practice only in the hospital or outpatient clinics that are recognized parts of an advanced dental education program.

3. The temporary license may be renewed annually by June 30, for up to five times, upon the recommendation of the dean of the dental school or director of the accredited advanced dental education program.

4. The temporary license holder shall be responsible and accountable at all times to a licensed dentist, who is a member of the staff where the internship, residency, or post-doctoral program is taken. The holder is prohibited from practicing outside of the advanced dental education program.

5. The temporary license holder shall abide by the accrediting requirements for an advanced dental education program as approved by the Commission on Dental Accreditation of the American Dental Association.

E. Restricted volunteer license.

1. In accordance with § 54.1-2712.1 of the Code, the board may issue a restricted volunteer license to a dentist who:
 - a. Held an unrestricted license in Virginia or another U.S. jurisdiction as a licensee in good standing at the time the license expired or became inactive;
 - b. Is volunteering for a public health or community free clinic that provides dental services to populations of underserved people;
 - c. Has fulfilled the board's requirement related to knowledge of the laws and regulations governing the practice of dentistry in Virginia;
 - d. Has not failed a clinical examination within the past five years; and
 - e. Has had at least five years of clinical practice.
2. A person holding a restricted volunteer license under this section shall:
 - a. Only practice in public health or community free clinics that provide dental services to underserved populations;
 - b. Only treat patients who have been screened by the approved clinic and are eligible for treatment;
 - c. Attest on a form provided by the board that he will not receive remuneration directly or indirectly for providing dental services; and
 - d. Not be required to complete continuing education in order to renew such a license.
3. The restricted volunteer license shall specify whether supervision is required, and if not, the date by which it will be required. If a dentist with a restricted volunteer license issued under this section has not held an active, unrestricted license and been engaged in active practice within the past five years, he shall only practice dentistry and perform dental procedures if a dentist with an unrestricted Virginia license, volunteering at the

clinic, reviews the quality of care rendered by the dentist with the restricted volunteer license at least every 30 days. If supervision is required, the supervising dentist shall directly observe patient care being provided by the restricted volunteer dentist and review all patient charts at least quarterly. Such supervision shall be noted in patient charts and maintained in accordance with 18VAC60-21-90.

4. A restricted volunteer license granted pursuant to this section shall expire on June 30 of the second year after its issuance or shall terminate when the supervising dentist withdraws his sponsorship.

5. A dentist holding a restricted volunteer license issued pursuant to this section is subject to the provisions of this chapter and the disciplinary regulations that apply to all licensees practicing in Virginia.

F. Registration for voluntary practice by out-of-state licensees. Any dentist who does not hold a license to practice in Virginia and who seeks registration to practice on a voluntary basis under the auspices of a publicly supported, all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people shall:

1. File a complete application for registration on a form provided by the board at least 15 days prior to engaging in such practice;
2. Provide a complete record of professional licensure in each state in which he has held a license and a copy of any current license;
3. Provide the name of the nonprofit organization, and the dates and location of the voluntary provision of services; and
4. Provide a notarized statement from a representative of the nonprofit organization attesting to its compliance with provisions of subdivision 5 of § 54.1-2701 of the Code.

18VAC85-20-210. Limited Licenses to Foreign Medical Graduates.

Part V. Limited or Temporary Licenses

A. A physician who graduated from an institution not approved by an accrediting agency recognized by the board applying for a limited professorial license or a limited fellow license to practice medicine in an approved medical school or college in Virginia shall:

1. Submit evidence of authorization to practice medicine in a foreign country.
2. Submit evidence of a standard Educational Commission for Foreign Medical Graduates (ECFMG) certificate or its equivalent. Such required evidence may be waived by the Credentials Committee or its designee based on other evidence of medical competency and English proficiency.
3. Submit a recommendation from the dean of an accredited medical school in Virginia that the applicant is a person of professorial or of fellow rank whose knowledge and special training meet the requirements of § 54.1-2936 of the Code of Virginia.

B. The limited professorial license or limited fellow license applies only to the practice of medicine in hospitals and outpatient clinics where medical students, interns or residents rotate and patient care is provided by the medical school or college recommending the applicant.

1. The limited professorial license shall be valid for one year and may be renewed annually upon recommendation of the dean of the medical school and upon continued full-time service as a faculty member.
2. The limited fellow license shall be valid for one year and may be renewed not more than twice upon the recommendation of the dean of the medical school and upon continued full-time employment as a fellow.

C. An individual who has practiced with a limited professorial license for five continuous years may have a waiver when applying for a full license to practice medicine in the Commonwealth of Virginia. The limited professorial licensee applying for a full license shall meet the requirements of 18VAC85-20-120 and 18VAC85-20-122.

Statutory Authority

§ 54.1-2400 and Chapter 29 of Title 54.1 of the Code of Virginia.

Historical Notes

Derived from VR465-02-1 § 4.5, eff. January 18, 1989; amended, Volume 06, Issue 04, eff. December 20, 1989; Volume 06, Issue 08, eff. February 14, 1990; Volume 06, Issue 26, eff. October 24, 1990; Volume 07, Issue 26, eff. October 23, 1991; Volume 10, Issue 09, eff. February 23, 1994; Volume 10, Issue 24, eff. September 21, 1994; Volume 11, Issue 25, eff. October 4, 1995; Volume 14, Issue 21, eff. August 5, 1998; Volume 19, Issue 21, eff. July 30, 2003; Volume 20, Issue 10, eff. February 25, 2004.

18VAC85-20-220. Temporary Licenses to Interns and Residents.

A. An intern or resident applying for a temporary license to practice in Virginia shall:

1. Successfully complete the preliminary academic education required for admission to examinations given by the board in his particular field of practice, and submit a letter of confirmation from the registrar of the school or college conferring the professional degree, or official transcripts confirming the professional degree and date the degree was received.
2. Submit a recommendation from the applicant's chief or director of graduate medical education of the approved internship or residency program specifying acceptance. The beginning and ending dates of the internship or residency shall be specified.
3. Submit evidence of a standard Educational Commission for Foreign Medical Graduates (ECFMG) certificate or its equivalent if the candidate graduated from a school not approved by an accrediting agency recognized by the board.

B. The intern or resident license applies only to the practice in the hospital or outpatient clinics where the internship or residency is served. Outpatient clinics in a hospital or other facility must be a recognized part of an internship or residency program.

C. The intern or resident license shall be renewed annually upon the recommendation of the chief or director of graduate medical education of the internship or residency program.

A residency program transfer request shall be submitted to the board in lieu of a full application.

D. The extent and scope of the duties and professional services rendered by the intern or resident shall be confined to persons who are bona fide patients within the hospital or who receive treatment and advice in an outpatient department of the hospital or outpatient clinic where the internship or residency is served.

E. The intern and resident shall be responsible and accountable at all times to a fully licensed member of the staff where the internship or residency is served. The intern and resident is prohibited from employment outside of the graduate medical educational program where a full license is required.

F. The intern or resident shall abide by the respective accrediting requirements of the internship or residency as approved by the Liaison Council on Graduate Education of the American Medical Association, American Osteopathic Association, American Podiatric Medical Association, or Council on Chiropractic Education.

Statutory Authority

§ 54.1-2400 of the Code of Virginia.

Historical Notes

Agenda Item: Discussion of issues relating to presentation of deceased animal to the owner

Included in the agenda package:

Copy of HB312

Copy of letter to the Board from Del. Bobby Orrock, Chairman of the House Committee on Health, Welfare, & Institutions

Staff note:

No specific action is required; the Board is requested to discuss issues relating to the subject of HB312. After the Board meeting, the Executive Director and the Board Chair will develop a response to the letter from Del. Orrock.

16100876D

HOUSE BILL NO. 212

Offered January 13, 2016

Prefiled December 28, 2015

A BILL to amend the Code of Virginia by adding a section numbered 54.1-3804.2, relating to veterinary establishments; regulations; presentation of a deceased companion animal.

Patron—LeMunyon

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3804.2 as follows:

§ 54.1-3804.2. Regulations; presentation of a deceased companion animal.

The Board shall adopt regulations applicable to full-service establishments where veterinary medicine is practiced requiring an acceptable method of presentation of a deceased companion animal to its owner. Such method shall include the use of an appropriate container.

INTRODUCED

HB212



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

MAR 08 2016
DHP

ROBERT D. "BOBBY" ORROCK
POST OFFICE BOX 458
THORNBURG, VIRGINIA 22565

FIFTY-FOURTH DISTRICT

COMMITTEE ASSIGNMENTS:
HEALTH, WELFARE AND INSTITUTIONS (CHAIRMAN)
FINANCE
AGRICULTURE, CHESAPEAKE AND
NATURAL RESOURCES
RULES

March 4, 2016

Bayard A. Rucker, III
DVM President
Virginia Board of Veterinary Medicine
9960 Mayland Drive
Richmond, VA 23233

Dear Dr. Rucker,

This letter is to request that the Virginia Board of Veterinary Medicine consider issues pertaining to the presentation of deceased companion animals to their owners by veterinarians.

During this year's General Assembly Session, legislation came before the Health, Welfare, and Institutions Committee related to this issue, HB 212. Testimony before the committee, indicated a lack of uniformity in the manner in which deceased companion animals are presented to the owner by some veterinarians. The hearing included testimony that a deceased 14 year old companion animal was presented to an owner by their veterinarian in a trash bag with a lack of compassion.

Upon consideration by the House Health, Welfare and Institutions Subcommittee #3, it was the sense of the subcommittee that a better way to address the matter might be within the profession. I request that the Virginia Board of Veterinary Medicine consider this matter.

Sincerely,

Robert "Bobby" Orrock, Sr., Chairman,
Committee on Health, Welfare, and Institutions

cc: Leslie L. Knachel, Executive Director, Virginia Board of Veterinary Medicine
Del. Jim LeMunyon, Member, Virginia House of Delegates, 67th District

VIRGINIA BOARD OF VETERINARY MEDICINE

Disposition of Routine Inspection Violations

The Board of Veterinary Medicine (Board) conducts routine inspections of veterinary establishments every three years. The guidance document, 76-21.2:1 Veterinary Establishment Inspection Report provides a checklist of the laws and regulations with which veterinary establishments must comply. For each violation found during an inspection, a point value is assigned. Point values are available on the veterinary establishment inspection report form. **Please note that violations cited during last and current inspections are repeat violations and receive double the assigned point value.**

Following an inspection in which one or more violations of the laws or regulations are cited, a veterinary establishment is required to submit a written response to the Board within 14 calendar days of the inspection. A response must detail the action(s) taken to correct each deficiency and may be submitted via mail, email or fax. Failure to provide a written response may subject a veterinary establishment and a veterinarian-in-charge to disciplinary action.

Veterinary Establishment Effective Date of July 1, 2014

Total Points*	*Possible Action
0 – 10 points	Routine inspection in three years
11 – 15 points	Confidential Consent Order Agreement; routine inspection in three years
16 – 20 points	Pre-hearing consent order issued by inspector; monetary penalty of \$250; unannounced inspection in two years
21 or more points	Pre-hearing consent order issued by inspector; monetary penalty of \$500; unannounced inspection in one year

Veterinarian-In-Charge Effective Date of July 1, 2014

Inspection Points	*Possible Action
11 – 15 points	Confidential Consent Agreement
16 points or more	Pre-hearing consent order; monetary penalty of \$250

*Violations found during a required re-inspection may subject the establishment and the veterinarian-in-charge to additional action by the Board.

Virginia Board of Veterinary Medicine

Guidelines for Processing Applications for Licensure

The Executive Director for the Board of Veterinary Medicine has delegated authority to issue an initial license, renew a license or reinstate a license for those applicants who meet the qualifications as set forth in the law and regulations provided no grounds exist to refuse to issue a license pursuant to § 54.1-3807 of the *Code of Virginia* and 18VAC150-20-146 of the *Regulations Governing the Practice of Veterinary Medicine*.

An affirmative response to any question on an application for licensure related to grounds for the Board to refuse to issue a license shall be referred to the Board President to determine how to proceed.

An applicant whose license has been revoked or suspended for any reason other than nonrenewal by another jurisdiction is not eligible for licensure in Virginia unless the license has been reinstated by the jurisdiction which revoked or suspended it. Pursuant to §54.1-2408 of the Code of Virginia, such applicants shall be advised in writing of their ineligible status by the Executive Director.

DRAFT

License Count Report for Veterinary Medicine

Board	Occupation	State	License Status	License Count
Veterinary Medicine				
Equine Dental Technician				
	Equine Dental Technician	Virginia	Current Active	16
	Equine Dental Technician	Out of state	Current Active	8
	Total for Equine Dental Technician			24
Veterinarian				
	Veterinarian	Virginia	Current Active	3,085
	Veterinarian	Virginia	Current Inactive	45
	Veterinarian	Virginia	Probation - Currel	1
	Veterinarian	Out of state	Current Active	854
	Veterinarian	Out of state	Current Inactive	244
	Total for Veterinarian			4,229
Veterinary Establishment - Full Service				
	Veterinary Establishment - Full Service	Virginia	Current Active	760
	Veterinary Establishment - Full Service	Out of state	Current Active	12
	Total for Veterinary Establishment - Full Service			772
Veterinary Establishment - Restricted				
	Veterinary Establishment - Restricted	Virginia	Current Active	322
	Veterinary Establishment - Restricted	Out of state	Current Active	14
	Total for Veterinary Establishment - Restricted			336
Veterinary Technician				
	Veterinary Technician	Virginia	Current Active	1,742
	Veterinary Technician	Virginia	Current Inactive	30
	Veterinary Technician	Out of state	Current Active	239
	Veterinary Technician	Out of state	Current Inactive	26
	Total for Veterinary Technician			2,037
Total for Veterinary Medicine				7,398

Virginia Department of Health Professions
Cash Balance
As of May 31, 2016

	<u>106- Veterinary Medicine</u>
Board Cash Balance as of June 30, 2015	\$ 380,095
YTD FY16 Revenue	1,100,959
Less: YTD FY16 Direct and In-Direct Expenditures	<u>891,505</u>
Board Cash Balance as May 31, 2016	<u><u>\$ 589,548</u></u>