

**VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF LEGISLATIVE/REGULATORY RESEARCH COMMITTEE
AND FULL BOARD
NOVEMBER 12, 2003**

**LEGISLATIVE/REGULATORY
REVIEW COMMITTEE:**

The committee meeting was called to order at 9:15 a.m. on Wednesday, November 12, 2003 at the Department of Health Professions, Conference Room 1, 6603 W. Broad St., Richmond, VA.

**COMMITTEE MEMBERS
PRESENT:**

Andrew Horner, DVM – Chair
George Siemering, DVM
Jerry Hinn, DVM

STAFF PRESENT:

Elizabeth Carter, Ph.D.
Terri Behr
Howard Casway

OTHERS PRESENT:

Taryn Singleton, LVT
Susan Seward

DISCUSSION:

Dr. Horner stated that the Board should consider regulatory review to address some issues relating to inspections and the need to clarify the new permitted duties for licensed veterinary technicians relating to skin closures and single rooted teeth extraction.

He reported that he and Ms. Lakie attended the inspector training held in October and that he felt that it was very productive and proved a good avenue to exchange information between the Board and the inspectors. He noted that several issues were discussed, among them of particular note was that there are humane societies which hold two permits from two different health regulatory boards.

With the Board of Pharmacy's Humane Society permit, staff members are allowed access to certain drugs that have been deemed appropriate by the State Veterinarian's office to euthanize stray animals. The drugs are federally controlled, and the staff members are usually not licensed

personnel. At the same time, for at least some of these humane societies, they are also licensed by the Board of Veterinary Medicine as veterinary establishments. For Board of Veterinary Medicine permitted establishments, no unlicensed person may have access to federally controlled drugs. Because they have begun to see more and more dually permitted entities, the inspectors have asked for guidance as to whether deficiencies should be noted when unlicensed persons have access to controlled substances, even when performing euthanasia.

On properly seconded motion by Dr. Siemering, the Committee voted unanimously to report to the full Board that the Committee has recommended that Dr. Carter draft a letter to each humane society that holds a restricted veterinary establishment permit, that the regulations of the Board of Veterinary Medicine prevail regarding the storage of and access to the stock of controlled drugs.

Dr. Horner also asked the Committee to review the attached handout (see Attachment #1). He stated that this draft regulation was intended to prompt a regulatory review of the issues related to inspections and to consider placing in the regulations the Board's guidance regarding skin closures and tooth extraction by licensed veterinary technicians.

On properly seconded motion by Dr. Hinn, the Committee voted unanimously to begin the regulatory review process by bringing forth the concepts expressed in Dr. Horner's attached document and also to discuss the definition of surgery in relation to the closure of wounds and tooth extractions by veterinary technicians.

ADJOURN:

The Committee meeting adjourned at 10:15 a.m.

FULL BOARD MEETING:

The meeting of the full Board was called to order at 10:30 a.m. on Wednesday, November 12, 2003 at the Department of Health Professions, Conference Room 1, 6603 W. Broad St., Richmond, VA

PRESIDING OFFICER: Jerry A. Hinn, DVM, President

MEMBERS PRESENT: George H. Siemering, DVM
Henry McKelvin, DVM
John T. Wise, DVM
Andy Horner, DVM
Rebecca Lakie, LVT
Dorothy Blackwell

STAFF PRESENT: Elizabeth A. Carter, Ph.D., Executive Director
Terri H. Behr, Administrative Assistant
Howard Casway, Assistant Attorney General

OTHERS PRESENT: Taryn Singleton, LVT, Va. Assoc. of Licensed
Veterinary Technicians
Susan Seward, Virginia Veterinary Medical
Assoc.

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

PUBLIC COMMENT: Ms. Singleton made public comment regarding
the change in dates of the renewal year and
asked for clarification on continuing education
(CE) in relation to the new renewal period. The
Chair explained that the change to a calendar-
year renewal cycle was based upon multiple
requests from licensees and that the schedule for
obtaining CE also coincides with the calendar-
year.

APPROVAL OF MINUTES: On properly seconded motion by Dr. Horner, the
Board voted unanimously to accept the minutes of
July 2, 2003 with changes made on pages 2, 5
and 14 and to accept the minutes of the meetings
of July 30, 2003, August 13 and 14, 2003 and
October 1, 2003 as presented.

On properly seconded motion by Dr. Siemering,
the Board voted unanimously that all Special
Conference Committee Orders should be e-
mailed to the committee members who served on
the panel for review prior to being mailed to the
respondent.

CLOSED SESSION: On properly seconded motion by Dr. Horner, the
Board voted unanimously to recess open session
and immediately reconvene in closed session

pursuant to §2.1-344(A)(7) of the Code of Virginia (1950), as amended, for the purpose of discussion and advice from legal counsel regarding the Goad vs. the Board of Medicine decision. It was also moved that Elizabeth Carter and Terri Behr remain in closed session as their presence was deemed necessary.

OPEN SESSION:

On properly seconded motion by Dr. Wise, the Board recessed closed session and reconvened in open session and unanimously voted to certify that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the previous closed meeting and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Veterinary Medicine, as required by §2.1-344.1 of the Code of Virginia.

GOAD VS. BOARD OF MEDICINE DISCUSSION:

During the Closed Session, Board counsel discussed the implications of the Goad vs. the Board Medicine decision and gave legal advice concerning that decision with respect to this Board's circumstances.

BOARD DISCUSSION:

The Board discussed questions submitted by Inspector Marta Ishmael as follows:

1) Can a "properly trained" veterinary assistant place an indwelling catheter under direction of a veterinarian?

Answer: No. An assistant can give intravenous injections, but cannot place the IV catheters.

2) A canine patient has been diagnosed with arthritis and prescribed weekly Adequan (C-VI) injections administered IM. Can an LVT go to the patient home and administer the drug? Can a veterinary assistant go the patient home and administer the drug?

Answer: An LVT or a veterinary assistant can go to the home and administer the drug if it occurs within 36 hours after the diagnosis and treatment plan made by the veterinarian. If it is over 36 hours, then neither can go.

3) Can a licensed registered nurse fill a prescription for Schedule II-V drugs under the order of the veterinarian?

Answer: With respect to the veterinary medicine statutes, being a registered nurse does not raise anyone above the level of an unlicensed assistant; she cannot fill any prescription unless it is a Schedule VI drug.

As a side discussion, the Chair directed Dr. Carter to include in the newsletter that the drug distribution log should contain both the animal's and the owner's identification.

The Board discussed a letter from Dr. Richard Flint asking for a waiver to maintain lab equipment, namely an Abaxis Blood Machine, in the surgery suite. The Board did not grant the waiver and directed that Dr. Flint be notified that the machine will need to be removed from the surgery suite.

The Board discussed an e-mail from Dr. Ebalinna Vaughan in which she asked several questions relating to acupuncture as follows:

1) Can a non-licensed person do acupuncture on an animal that is not his own?

Answer: The statutes define the practice of veterinary medicine, and it is clear that acupuncture would fall under the statutory scope of practice of veterinary medicine. A non-licensed person cannot perform acupuncture on animals unless it is under the prescription and direct supervision of a veterinarian and from a veterinary establishment.

2) Can a licensed veterinarian perform acupuncture if he has not been trained and certified to do acupuncture?

Answer: Yes.

3) Can a non-licensed person do acupuncture in a veterinary establishment on a patient of that establishment if the owner is aware of his training/education status.

Answer: If the owner allows it, the non-licensed person can perform acupuncture under the direct

supervision of the veterinarian.

The Board discussed an e-mail from Dr. Phyllis Garnett-Deakin in which she states that she has a restricted veterinary establishment permit for a house call practice and that she wants to offer cat neutering services to her clients. She inquires as to whether the Board considers cat neutering as surgery and whether it could only be done in a surgery suite. The Board's position is that cat neuters are surgery and, therefore, are only to be performed in a permitted surgery suite. She also states that procedures such as cleaning, debriding and suturing wounds are within the restricted permit's scope, but the Board stated that these procedures are not in the scope of a house call practice.

**LEGISLATIVE/REGULATORY
REVIEW COMMITTEE REPORT:**

Dr. Horner reported to the full Board regarding the meeting of the Legislative/Regulatory Committee meeting earlier this morning. On properly seconded motion by Dr. Horner, the Board voted unanimously to adopt the motion of the Committee to begin the regulatory review process pertaining to inspections and to clarify in regulations that licensed veterinary technicians may perform skin closures following surgery and extract single rooted teeth.

Dr. Horner also reported that Dr. Carter will draft a letter to all humane societies permitted by the Board of Pharmacy which also hold a restricted veterinary establishment permit that the regulations of the Board of Veterinary Medicine prevail in regard to storage and access to controlled substances.

**EXECUTIVE DIRECTOR'S
REPORT:**

Dr. Carter discussed the new compounding requirements of the FDA. Dr. Horner asked if the Board should send a letter to the FDA regarding concerns over the impact that the requirements have on veterinary practices, particularly equine practices that routinely need to compound in bulk. Dr. Wise volunteered to draft the letter.

Dr. Carter discussed a letter from Dr. Scott Severin with the Department of Defense in which he inquired if there were provisions in place to

allow Veterinary Corps Officer in long term deployments in combat zones, which may preclude them from obtaining CE credits, to remain in good standing with their prospective boards. Dr. Carter reported that recent statutory changes and the Department of Health Professions Directive 1.12 allow for a one-year extension for active duty military personnel from April 2, 2003 through July 1, 2004. Dr. Carter will draft a letter to Dr. Severin informing him of this Directive.

Dr. Carter reported on the statistics of the Board of Veterinary Medicine. She reported that there are 19 cases closed as "undetermined" which related to unlicensed activity and that these cases have been forwarded to the appropriate Commonwealth's Attorney. She also stated that there are 83 cases in the pipeline and that 66% of these deal with standards of care.

Dr. Carter handed out a draft newsletter for the Board's review. The Board would like for Dr. Carter to add a "Frequently Asked Questions" section taken from the Board's Guidance Documents. Dr. Hinn also asked that an addition be added to his President's Message noting that Jennifer Alden-Tassin served as Board President for a term.

2004 CALENDAR:

The Board set their calendar for 2004 as follows:

Informal Hearings – Jan. 15, 2004
Informal Hearings – Feb. 4, 2004
Board meeting – Feb. 5, 2004
Informal Hearings – April 7, 2004
Board meeting – May 26, 2004
Informal Hearings – May 27, 2004
Board meeting – August 4, 2004
Informal Hearings – August 5, 2004
Informal Hearings – September 30, 2004
Board meeting – November 3, 2004
Informal Hearings – November 4, 2004.

MEETING ADJOURNED:

There being no further business, the meeting adjourned at 1:00 p.m.

Jerry A. Hinn, DVM, President

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