

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, January 16, 2020**

At 8:10 a.m., President Susan Bull, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. This meeting was held at the Rescue Ranch in Statesville, North Carolina. Present also were the following Board members: Drs. Kent Dean, Kim Gemeinhardt, Ronald Komich, and Azure Holland; Robin Lazaro, RVT, and Mrs. Krissie Newman. Also present were Board Attorney, George Hearn, and Executive Director, Dr. Tod J. Schadler.

Dr. Bull reviewed with the Board the Governor's and the North Carolina Ethics Commission's statement on recognizing and avoiding conflicts of interest. She also reviewed G.S. § 90-179 of the North Carolina Veterinary Practice Act.

The following guests were introduced: Jennifer Shults, DVM, President of North Carolina Veterinary Association (NCVMA); Jon Carr, Attorney for NCVMA; Marguerite Gleason, DVM, Secretary-Treasurer for NCVMA; Ed Faulkner, DVM, Vice President for NCVMA; Maureen Susi, RVT; Laura Ruterbories, RVT, VTS (LAM).

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The November 14, 2019 Board meeting minutes were reviewed. Dr. Komich, seconded by Robin Lazaro, RVT, moved to approve the November 14, 2019 Board minutes. The minutes were approved unanimously.

Reports:

North Carolina Professional Health Program (NCPHP) Report:

Dr. Joseph Jordan, CEO of NCPHP, gave an updated report on current participants in the program. Dr. Jordan informed everyone that the office in Asheville is staffed every other week. The NCPHP contract is due to be renewed by the end of June 2020.

Student Liaison Report:

Elisa Meier, Student Liaison from North Carolina State University – College of Veterinary Medicine (NCSU-CVM) is still searching for her replacement for May 2020.

President:

There is ongoing communication with the North Carolina Department of Agriculture concerning boarding facilities.

Dr. Komich made a motion to consider a charitable contribution to Rescue Ranch, seconded by Dr. Holland. Mrs. Newman recused herself and

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was not present during this discussion. The motion was tabled until the next Board meeting.

Registered Veterinary Technician Legislation:

Robin Lazaro, RVT now has a task force in place to research and collect data from all states concerning statutes and rules for assistants versus registered veterinary technicians. Dr. Bull recommended that Dr. Holland and Dr. Schadler be on this task force.

Legislative Committee – Facility Permit:

NCVMA Attorney Jon Carr reviewed several concerns of the Association regarding the proposed rule. His presentation included discussion and questions from Board members.

Legislative Committee – Telehealth:

Jon Carr also voiced NCVMA's concerns about certain parts of the proposed telehealth rule. A discussion followed about NCVMA's suggested changes.

At 9:40 a.m. the Board took a break and reconvened at 10:00 a.m.

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Chief Inspector's Report:

Dr. David Marshall, Chief Inspector, reported that 129 facilities were inspected since November 14, 2019. Forty new facilities have been added to the inspections since last year. Dr. Peer and Dr. Wright accompanied Dr. Marshall to the Board Meeting after their Inspector Meeting at the Rescue Ranch.

The Board has received three applications for Dr. Marshall's position. The applicants will be interviewed soon.

Dr. Marshall will be conducting part of the USDA Core Accreditation this year.

Dr. Schadler complimented all the inspectors for their dedication and for their education of the staff at all facilities they inspect.

Attorney Report:

Mr. Hearn reported that 41 Committee decision closing letters were mailed in 2019.

Executive Director's Report:

Dr. Schadler gave an update on licensing activities and a finance report. The auditor has suggested that the Board adopt a budget.

The testing for the veterinarians and technicians is going well. It is easier and more convenient for everyone.

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Dr. Schadler reported that the N.C. Office of State Budget and Management (OSBM) approved the NCVMB retaining 14.1% of the civil monetary penalties for fiscal year 2019-2020. This percentage represents compensation for the NCVMB's activities related to the receipt of penalties, office expenses/labor, and subsequent follow-up.

The "Online Complaint" process is to start January 21, 2020. The Board will have to monitor more closely the validity of the complaints submitted.

Dr. Shults is still waiting for a response to her complaints she has submitted to the Chiropractic Board. The Chiropractic Board's next meeting is on January 24, 2020.

Dr. Schadler suggested posting facility inspections online. The Board agreed.

AAVSB nominations are open through May 2020. Dr. Gemeinhardt made a motion to support the nomination of Dr. Schadler for a Director position on the AAVSB Board. The motion was seconded by Dr. Holland and passed unanimously.

FARB Meeting – January 23-26, 2020, Colorado Springs:

Drs. Schadler, Gemeinhardt, and Komich will attend this meeting.

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Closed Session:

At 10:45 a.m. Dr. Gemeinhardt made a motion, seconded by Dr. Holland to go into a closed session, pursuant to G.S. §143-318.11(a)(6). The motion passed unanimously.

At 11:35 a.m. the Board returned to its open meeting. Dr. Gemeinhardt made a motion to ratify the decisions adopted in the closed session. Mrs. Newman seconded the motion, which was approved unanimously.

Old Business

The Executive Committee received a request for a clearer definition of duties that a registered veterinary technician can perform as compared to permissible tasks by an assistant or employee. Dr. Schadler has requested that the Board develop a position statement.

The Board discussed concerns and issues about inspection of certain boarding facilities, and whether those inspections should be done by the Board or the Animal Welfare Division of the N.C. Department of Agriculture & Consumer Services (NCDA&CS). There are ongoing discussions between representatives of the Board and representatives of the NCDA&CS concerning the limits of the statutory exemption of veterinary facilities from inspections by the Animal Welfare section. Discussions will continue with NCDA&CS.

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At 12:30 a.m., the Board took a brief break and continued the meeting during a working lunch.

Report of Committee on Investigations No. 1

- a. 2019044-1 – Jared Andrew Conley, DVM and Gregory Andrew Hunter (Complete Pet Care Animal Hospital) – Ms. Christine Cutter – No probable cause, dismissed
- b. 2019046-1 – Jason Arthur Streck, DVM (After Hours Veterinary Emergency Clinic) – Dr. Barbara Zwadyk – Letter of Reprimand and \$500 civil monetary penalty
- c. 2019048-1 – Deanna Jeanette Tickle, DVM (Burlington Animal Hospital) – Ms. Alexandra Fishman – No probable cause, dismissed
- d. 2019051-1 – Melita Nicole Nowlan, DVM (Austin Veterinary Animal Hospital) – Ms. Inez Leyden & Mr. Allan Evans – No probable cause, dismissed
- e. 2019058-1 – Nicholas Michael Calo, DVM (Wilmington Animal Healthcare Veterinary Hospital) – Drs. Jeff Ward & Stacy Ward –
Continued

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Dr. Gemeinhardt made a motion, seconded by Robin Lazaro, RVT, to approve the report from Committee on Investigations No. 1. The report of Committee 1 was approved.

Dr. Komich, seconded by Dr. Holland, made a motion to accept the Committee's recommendation and assess a civil monetary penalty of \$500 against Jason Arthur Streck, DVM in Complaint 2019046-1 based on the factors in G.S. §90-187.8(b)(1) and (b)(2). The motion passed unanimously.

Report of Committee on Investigations No. 9

- a. 2019039-9 – Candice S. Bailey, DVM (CVS-Huntersville) – Mr. Brett & Ms. Jane Peloquin – No probable cause, dismissed
- b. 2019043-9 – Hannah Jane Parker, DVM (Lake Country Animal Hospital) – Mr. Randy and Ms. Margaret Mills – Continued
- c. 2019050-9 – Elena Jean Shirley, DVM (Grace Animal Hospital) – Ms. Robin S. Talbot – Letter of Reprimand
- d. 2019047-9 – Nicolas Ryan Lavie, DVM (Greenock Farm Veterinary Hospital) – Ms. Mackenzie Gillis – No probable cause, dismissed

Dr. Gemeinhardt made a motion, seconded by Dr. Dean, to approve the report from Committee on Investigations No. 9. The report from Committee 9 was approved.

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Robin Lazaro, RVT, seconded by Dr. Gemeinhardt, made a motion to approve the meeting's expenses. It was approved unanimously.

The Board having no further business, a motion to adjourn made by Mrs. Newman, seconded by Dr. Holland, passed unanimously. The meeting adjourned at 2:15 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM
Executive Director