

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, January 13, 2006**

President Amy Lewis, DVM, called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:04 a.m. In attendance were Board members Drs. Susan Bull, Linwood Jernigan, Richard Hawkins, David Marshall, Dante Martin, Mrs. Nancy Robinson, R.V.T., and Ms. Amy Edwards. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

At 8:05 a.m. Warren Pendergast, M.D., Medical Director, of the North Carolina Physicians Health Program (NCPHP), joined the meeting. The Board discussed and reviewed the second year of the NCPHP Impairment Program and Dr. Pendergast reported on accomplishments made. Dr. Pendergast left the meeting at 9:00 a.m. Dr. Jernigan made a motion to renew the Board's Agreement with NCPHP for six months, with certain conditions: the total payment to NCPHP for the six month Agreement will be \$33,750.00; and NCPHP will provide to the Board prior to March 31 Board meeting a breakdown of NCPHP's direct costs which are a component for its fee for services; and an NCPHP representative will attend all meetings of Committee No. 2 to provide status reports and as necessary, recommendations; and NCPHP will investigate and report to the Board whether the Board can be listed as a named insured on NCPHP's general

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liability insurance and officers and directors insurance coverages; and NCPHP will complete the development of the Program for Impaired Veterinary Personnel as set forth in paragraph 3 of the Agreement; and as soon as practical, NCPHP will update and enhance its website which will include increased content, information and links to inform veterinary personnel about the program. Dr. Hawkins seconded the motion. The motion passed with Mrs. Robinson, Dr. Marshall and Dr. Lewis opposed.

The Executive Director is to invite both a representative of Murray & Associates and Dr. Dennis Wages of NCSU-CVM to the next meeting of the Board. The Board will meet first with the representative of Murray & Associates, and then will meet with Dr. Wages. The purpose of these discussions is to evaluate options regarding providing a program for impaired veterinary personnel.

The meeting of the Board recessed at 9:25 a.m., for a five-minute break, and reconvened at 9:30 a.m.

On a motion made by Dr. Hawkins, seconded by Dr. Martin, the minutes for the November 3, 2005, meeting was approved.

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The Board reviewed the meeting date for the June meeting previously scheduled to be in Myrtle Beach, S.C. on June 8, 2006. Following discussion the Board determined by consensus to have the June meeting in Raleigh on June 9, 2006.

The Board set the Administrative Hearing date requested by Dr. Johnson for complaints 05033-1-7, 05034-1-7, and 05039-1-7 to be March 29, 2006 (and if necessary, March 30) beginning at 8:30 a.m. A back-up date of June 7, 2006 (and if necessary, June 8) was also set.

The Board reviewed the discussion from the last Board meeting concerning the issue of palpation of cattle by lay persons. No further action was taken.

The Executive Director reported on activities of the Board office since the last meeting. No further action was taken.

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The Executive Director distributed a financial report to the Board. Following discussion, Dr. Hawkins made a motion to approve the report. Mrs. Robinson seconded the motion. The motion passed unanimously.

The Executive Director presented a year-end technology report. No further action was taken.

The Executive Director reported that the Rules Review Commission approved the technical correction to 21 NCAC 66 .0101, effective January 1, 2006. The change accurately sets forth the Board's mailing and location addresses.

The Board reviewed the 2006 business standard mileage rate set by the Internal Revenue Service. The rate is now 44.5 cents per mile.

The Board Investigator presented a report on his activities since the June meeting. No further action was taken.

The Board reviewed the request from James Adam Yanchunis, DVM to waive the 60-day application requirement of G.S. 90-187.1 so that he

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could sit for the January Veterinary State Examination. The Board determined that it does not have the authority to grant the requested waiver. The Executive Director is to inform him of the Board's decision.

The Board reviewed the January 9, 2006 letter from Bernie Hansen, DVM of the North Carolina State University College of Veterinary Medicine. He requests approval for the residents of the College of Veterinary Medicine to obtain independent clinical experience at the Raleigh After Hours Animal Emergency Clinic under the faculty license provided to faculty and clinical trainees. Dr. Bull made a motion to grant the request. The motion was seconded by Dr. Martin. The motion passed unanimously.

The Board discussed the content of the last President's letter. No further action was taken.

The Board discussed the current fees charge. Dr. Hawkins made a motion to raise the renewal and registration fees for corporations to the maximum allow by General Statute and Administrative Rule. Mrs. Robinson seconded the motion. The motion passed unanimously.

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The meeting of the Board adjourned at 11:55 a.m., for lunch, and reconvened at 12:20 p.m.

Dr. Hawkins made a motion to enter into a closed meeting pursuant to G.S. § 143-318.11(a)(5), to discuss current and future employment compensation of Board staff. Mrs. Edwards seconded the motion. The motion passed unanimously. At 12:21 p.m., the Board entered into closed meeting.

At 1:00 p.m. the Board ended the closed meeting and reconvened the open meeting.

Dr. Jernigan made a motion to enter into a closed meeting pursuant to General Statute 143-318.11(1) and General Statute 90-187.15 to receive a report from the Committee on Investigations No. 2 regarding impaired veterinary personnel. Mrs. Robinson seconded the motion. The motion passed unanimously. At 1:01 p.m. the closed meeting began.

At 1:10 p.m. the Board reconvened the open meeting.

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Dr. Hawkins made a motion to grant an extension, pursuant to 21 NCAC 66 .0206(3), to Dennis Richard Bell, DVM, deployed as part of Iraqi Freedom, until May 31, 2006, to earn his required continuing education. Dr. Bell has been deployed to Iraq as part of his U.S. Army service. Dr. Jernigan seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 2.

- 05046-1-2 Joel D. Fisher, DVM (complaint of Ms. Kristi Stewart) – Disciplinary action: letter of caution.
- 05022-1-2 Megan Anne Harris, DVM (complaint of Mr. and Mrs. Maurice Strickland) – Dismissed, no probable cause.
- 05043-1-2 John Carr, III, DVM (complaint of Mr. and Mrs. Bobby Blackburn) – Dismissed, no probable cause.
- 05045-1-2 Randolph William Wetzel, DVM (complaint of Mr. Alan Lewis Robinson) – Dismissed, no probable cause.
- 05048-1-2 Stephen Matthew Samson, DVM (complaint of Mr. and Mrs. Clifford Marchion) – Dismissed, no probable cause.

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2005050-2 Jerry Raymond Waddle, DVM (complaint of Ms. Betty Williamson) – continued.

Dr. Hawkins made a motion to approve the Committee on Investigations No. 2 report. Mrs. Robinson seconded the motion. The motion passed unanimously, with Dr. Bull abstaining from the vote regarding complaint no. 05045-1-2 (Dr. Wetzel).

Report of Committee on Investigations No. 3.

05040-1-3 Lee A. Darch, DVM (complaint of Ms. Linda Jack) – continued.

Report of Committee on Investigations No. 4.

05036-1-4 Virginia Autry Brown, DVM and Shawntel M. Sechrist, DVM (complaint of Ms. Jeani M. Smith) – dismissed, no probable cause.

Dr. Marshall made a motion to approve the Committee on Investigations No. 4 report. Dr. Hawkins seconded the motion. The motion passed unanimously, with Dr. Jernigan abstaining.

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Report of Committee on Investigations No. 7.

- 05032-1-7 Dennis Kay Johnson, DVM (complaint of Ms. Cheryl Smith, RN, RVT) – Continued.
- 2005051-7 Scott William Barnard, DVM (complaint of Mr. and Mrs. Rodger Cripe) – Continued.
- 05030-1-7 Melissa Jean Wheeler, DVM and Timothy F. Barker, DVM (complaint of Ms. Linda Dunn) –
The portion of the complaint against Dr. Barker is dismissed. Dr. Wheeler is to receive a letter of caution.
- 05037-1-7 Mark S. Thompson, DVM (complaint of Ms. Mary S. Innes) – Dismissed, no probable cause.
- 2005055-7 Gerald Bruce Dienhart, DVM (complaint of Ms. Ina E. Breaux-Lunney) – Disciplinary action: letter of reprimand.

Dr. Martin made a motion to approve the Committee on Investigations No. 7 report. Dr. Bull seconded the motion. The motion passed

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unanimously, with Dr. Jernigan abstaining from the vote regarding complaint no. 05030-1-7 (Dr. Barker and Dr. Wheeler).

Upon a motion by Dr. Jernigan, seconded by Mrs. Robinson, the Board approved the actual expenses for this meeting.

The meeting was adjourned by unanimous vote upon a motion by Dr. Jernigan and seconded by Dr. Hawkins at 2:00 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director