

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, January 22, 2003**

President Herbert Justus, D.V.M., called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:00 A.M. In attendance were Board members Drs. Joseph Gordon, Linwood Jernigan, Amy Lewis, David Marshall, Kenneth Padgett, Mrs. Nancy Robinson, R.V.T. and Ms. Rebecca Bruton. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

The Executive Director read the minutes of the November 7, 2002, meeting. On a motion made by Dr. Padgett, seconded by Dr. Gordon, the minutes were approved as corrected.

Dr. Marshall and Mr. Hearn reported on their conversations with Michael W. Wilkerson, MD, Medical Director, for the North Carolina Physicians Health Program (NCPHP). Dr. Justus will send a letter to Dr. Sarah Brown, President of the North Carolina Veterinary Medical Association, requesting the Association's position on changing the Veterinary Practice Act to allow the Board to implement an impaired practitioner program.

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Dr. Justus reported to the Board that the next meeting will be held at the North Carolina State Zoo in Asheboro on April 4. Committee meetings will be on April 3.

Dr. Gordon made a motion to adjust the mileage reimbursement rate to 36 cents per mile to reflect the change made by the Internal Revenue Service. Dr. Padgett seconded the motion. The motion passed unanimously.

Dr. Gordon made a motion that the North Carolina Board of Chiropractic Examiners be sent a letter requesting their position on Chiropractors providing spinal adjustments and manipulations on animals. Dr. Padgett seconded the motion. The motion passed unanimously.

Mr. Hearn presented language prepared by Mr. Bill Redman concerning an act to amend the law regarding the civil remedy for protection of animals. Following discussion the Board took no further action.

At 9:40 a.m. Lynn Victoria Swanson, D.V.M. met with the Board to discuss her application for a veterinary license in North Carolina. Following a question and answer period Dr. Swanson left the meeting at 10:05 a.m.

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The Executive Director distributed a financial report to the Members of the Board. Dr. Padgett made a motion to approve the report. Mrs. Robinson seconded the motion. The motion passed unanimously.

Dr. Lewis made a motion to accept the application for license of Dr. Swanson. Dr. Jernigan seconded the motion. The motion passed with Dr. Padgett abstaining.

Report of Committee on Investigations No. 1.

- 02031-1-1 Dennis C. Orr, D.V.M. (Complaint of Ms. Judy Ford) - Dismissed, no probable cause.
- 02034-1-1 James M. Floyd, Jr., D.V.M. and Karl B. Milliren, D.V.M. (Complaint by Ms. Carolyn Jones) – Dismissed, no probable cause.
- 02036-1-1 Eugene Upshaw, Jr., D.V.M. (Complaint by Ms. Coretta Montague) – Letter of reprimand and \$300.00 civil monetary penalty.
- 02040-1-1 Sherri Lynn Hicks, D.V.M. (Complaint of Ms. Shelly Chambers) - Dismissed, no probable cause.

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- 02044-1-1 Heath Dale Wiseman, D.V.M. (Complaint of Ms. Gina G. Walker) - Dismissed, no probable cause.
- 02038-1-1 Joel K. Garrett, D.V.M. (Complaint of Mr. & Mrs. Buddy Hewitt) – Dismissed, no probable cause.
- 02042-1-1 Brian Michael LeFevre, D.V.M. (Complaint of Mr. John J. Pappianne) - Dismissed, no probable cause.

Dr. Lewis made a motion to approve the Committee on Investigations Number 1 report. Dr. Padgett seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 7.

- 02037-1-7 Jeff Wilkins, D.V.M. (Complaint of Ms. Shirley Weatherston) – Letter of reprimand.
- 02038-1-7 Daniel Lee Patterson, D.V.M. (Complaint by Ms. Jan Russell) – Letter of reprimand and \$500.00 civil monetary penalty.
- 02043-1-7 Ahmed N. Said, D.V.M. (Complaint of Mr. Jessy Mazyck) – Letter of reprimand and \$500.00 civil monetary penalty.

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02041-1-7 Jennifer A. Seals, D.V.M. (Complaint by the Board) - Dismissed, no probable cause. A cease and desist letter is to be sent to The Haven-Friends for Life No-Kill Shelter in Raeford North Carolina.

02035-1-7 Harvey A. Goho, D.V.M. (Complaint of Mr. Dan Forshey) - A Letter of Caution was issued at a previous Board meeting. Dr. Goho has since requested a reconsideration of the disciplinary action. The case has been continued pending an additional response from Mr. Forshey.

Dr. Gordon made a motion to approve the Committee on Investigations Number 7 report. Dr. Jernigan seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 8.

02054-2-8 Robert Krawczyk, D.V.M. and Jeffrey Courville, D.V.M. (Complaint by the Board) – Continued.

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Mrs. Robinson made a motion to approve the Committee on Investigations Number 8 report. Dr. Marshall seconded the motion. The motion passed unanimously.

The regular meeting of the Board adjourned at 11:25 A.M. for a ten-minute break.

The regular meeting of the Board reconvened at 11:35 A.M.

Thomas Martin Daniel, Jr., D.V.M. joined the meeting to discuss Alison Morton, D.V.M., an employee of his veterinary practice facility, who apparently practicing veterinary medicine without a veterinary license. Dr. Daniel acknowledged that by meeting with the Board he waives the requirements of 21 NCAC 66 .0600. After meeting with the Board Dr. Daniel left the meeting at 11:55 a.m. Dr. Lewis made a motion to accept the veterinary license application from Dr. Morton and to initiate a Board complaint against both doctors. Dr. Padgett seconded the motion. The motion passed unanimously.

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James Franklin McCarney, D.V.M. joined the meeting at 12 noon to discuss his apparent practice of veterinary medicine without a veterinary license. After meeting with the Board Dr. McCarney left the meeting at 12:10 p.m. Dr. Gordon made a motion to accept the veterinary license application of Dr. McCarney and to initiate a Board complaint against him and his employer at the time the apparent practice took place. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board discussed Chapter 115C, Article 31A, Civil Penalty and Forfeiture Fund. Dr. Padgett made a motion that the Board withhold the actual costs of collection of civil monetary penalties as allowed. Dr. Jernigan seconded the motion. The motion failed with all other members opposed.

The Board discussed allowing management courses for continuing education. No further action was taken.

At the request of Dr. Padgett the Board discussed a January 1, 2003, article from the Journal of American Veterinary Medical Association

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entitled, “Practicing Veterinary Medicine Across State Lines – Are You Legal?” No further action was taken.

The Board reviewed the letter from Roger L. De Haan, D.V.M. concerning other health professionals working with or under a veterinarian’s license. A letter is to be sent that, while it is a continuing topic of conversation, the current law does not permit it.

The Board discussed Charles E. Loops, D.V.M. and his apparent changing of other veterinarians treatment protocols without a physical exam of the patient, a review of medical records, or a consultation with the original veterinarian. A letter is to be sent to Dr. Loops explaining the veterinarian-client-patient relationship.

Dr. Gordon made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5), to discuss current and future employment compensation of Board staff. Dr. Padgett seconded the motion. The motion passed unanimously. At 12:40 p.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 12:55 P.M.

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The Executive Director presented the investigator's status report on his work for the last three months. No further action was taken.

On a motion by Dr. Padgett, 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. Lewis and seconded by Dr. Padgett at 1:05 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director