

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, January 28, 2011**

On January 28, 2011, President Linwood Jernigan, D.V.M. called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:07 a.m. In attendance were the following Board members: Drs. Michael Davidson, Kim Gemeinhardt, Richard Hawkins, David Marshall, and Dante Martin; Mrs. Nancy Robinson, R.V.T., and Mrs. Katie Morgan. Also present were Board Attorneys Mr. George Hearn and Mr. Lee Craven. Executive Director, Mr. Thomas Mickey, was present as well.

Dr. Jernigan reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement regarding recognizing and avoiding conflicts of interest.

At 8:10 a.m., Joseph P. Jordan, PhD, Clinical Director of the North Carolina Physicians Health Program (NCPHP) joined the meeting. Dr. Jordan presented an update of the status of the North Carolina Veterinary Health Program (NCVHP) since the last Board meeting. Mr. Hearn presented for the Board to review a memorandum of agreement and an agreement between the Board and NCPHP. The memorandum confirmed the formal relationship between the Board from August 1, 2009 through January 31, 2011. The agreement set forth the parties' agreement from

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February 1 through July 31, 2011. Dr. Davidson made a motion, seconded by Dr. Gemeinhardt, to approve the memorandum of agreement and the agreement. The motion passed unanimously. After a question and answer period with the Board Dr. Jordan left the meeting at 8:25 a.m.

On motion by Dr. Marshall, seconded by Dr. Davidson, the minutes for the November 3 and 4, 2010 meetings were approved.

Dr. Gemeinhardt reported that RoadRunner pharmacy is licensed to practice pharmacy in North Carolina. This clarification corrects the incorrect information reported at the November 4 Board meeting.

The Board Investigator presented his report on activities since the last meeting.

Dr. Hawkins made a motion to increase the fee for a temporary permit to \$50.00 effective July 1, 2011. Dr. Martin seconded the motion. The motion passed with Dr. Marshall opposed.

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Dr. Martin made a motion to increase the fees for a veterinary student intern registration and veterinary student preceptee registration to \$25.00.

Dr. Gemeinhardt seconded the motion. Mrs. Robinson voted for the motion, and Drs. Marshall, Davidson, Hawkins, Jernigan and Mrs. Morgan voted against the motion. The motion did not carry.

Dr. Davidson moved to reconsider the motion to raise the temporary permit fee. Dr. Marshall seconded the motion. The motion passed unanimously.

Dr. Davidson moved to keep the temporary permit fee at \$30.00. Dr. Marshall seconded the motion. The motion passed with Drs. Marshall, Davidson, Hawkins, Martin, Jernigan and Mrs. Morgan voting for the motion and Dr. Gemeinhardt and Mrs. Robinson voting against the motion.

Mr. Mickey reported on operational and administrative activities of the Board since the last Board meeting. He distributed a financial report which the Board reviewed and discussed with him.

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The meeting recessed at 9:40 a.m. for a break and reconvened at 9:58 a.m.

Following a presentation by Mr. Hearn, Dr. Marshall moved to have Mr. Hearn respond on behalf of the Board to the North Carolina State Budget Office concerning two suggestions made by citizens for repeal or change to Board rules. Governor Beverly Perdue had initiated a process in November 2010 to permit citizens to file anonymous comments about administrative rules of NC government agencies that the citizen thought needed appealing or amending. One comment questioned why the Board rules did not permit more than three credit hours of continuing education credits to be obtained from computer-based training. The other comment advocated the Board allowing the Program for the Assessment of Veterinary Education Equivalence (PAVE) to be accepted as an alternative means for satisfying the Board licensure requirements for graduates of non-accredited veterinary medical schools. The Board has previously approved the filing of an administrative rule change to increase from three to five hours the allowable number of continuing education hours obtained for audio, video cassette or computer-based training. The second comment advocates for a change in statute, not a rule change. Nevertheless, the Board also discussed

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and recommended adding the American Association of Veterinary State Boards (AAVSB) Program for PAVE to General Statute 90-187(c) as a means for graduates of nonaccredited veterinary colleges to be eligible for licensure. Dr. Martin seconded the motion. The motion passed unanimously. Mr. Hearn was directed to prepare a response to the Budget Office explaining the Board's position.

Mrs. Robinson made a motion to approve the financial report distributed by Mr. Mickey. Dr. Hawkins seconded the motion. The motion passed unanimously.

The meeting recessed at 12:18 p.m. for a break and reconvened at 12:50 p.m.

The Board reviewed the change to the business standard mileage rate set by the Internal Revenue Service. Mrs. Robinson made a motion to change the reimbursement rate to 51 cents per mile to conform to the new Internal Revenue Service rate. Dr. Martin seconded the motion. The motion passed unanimously.

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Dr. Gemeinhardt made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3), to discuss litigation filed by Joseph Barr. Dr. Marshall seconded the motion. The motion passed unanimously. At 12:52 p.m., the Board entered into closed session and returned to open session at 1:03 p.m.

Dr. Marshall made a motion, seconded by Dr. Hawkins, to enter into a closed meeting pursuant to G.S. § 143-318.11(a)(5) to discuss personnel matters, including compensation of Board staff. The motion passed unanimously. At 1:08 p.m., the Board entered into closed meeting and returned to open session at 1:30 p.m.

Report of Committee on Investigations No. 5

2010043-5 **David Matthew Ruslander, DVM** (Veterinary Specialty Hospital of the Carolinas) – Mr. & Mrs. Russ Redmer | *Dismissed, no probable cause.*

2010047-5 **Megan Mack Cooley, DVM** (Cooley Veterinary Hospital) – Mr. & Mrs. Eddie Frye | *Letter of Caution.*

2010050-5 **Michelle Bernice Duncan, RVT** – Glenn McPherson, DVM | *Dismissed, no probable cause.*

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- 2010045-5 **Allison Heather Graham, DVM and Michelle L. Purnell, DVM** (Carolina Veterinary Specialty Referring Animal Hospital) – Ms. Marjorie R. Ackerman | *Dismissed, no probable cause for Drs. Graham and Purnell.*
- 2010052-5 **John Angelo LaStella, Jr., DVM** (The Pet Hospital) – Ms. Tonya Collins | *Letter of Caution.*
- 2010033-5 **James Buck Clark, DVM** – Mr. & Mrs. Michael Williams | *Upon reconsideration Dismissed, no probable cause.*

Upon motion by Dr. Marshall, seconded by Mrs. Morgan , the Board approved the report of Committee on Investigations No. 5, with Dr. Davidson recusing himself from the vote on complaint numbers 201033-5 (James Buck Clark, DVM), 2010043-5 (David Matthew Ruslander, DVM), and 2010045-5 (Allison Heather Graham, DVM and Michelle L. Purnell, DVM).

Report of Committee on Investigations No. 6.

- 2010057-6 **Rachel Susan Easterly, DVM** – NCVMB | The Committee found probable cause of violation of the Veterinary Practice Act. The Committee recommends that the case be resolved with a

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Consent Order that would indefinitely suspend her veterinary license and she would be given an opportunity to appear before the Committee for possible modification of the Consent Order when she is released from incarceration.

2010058-6 **Richard E. Keeton, DVM** – NCVMB | The Committee on Investigates found probable cause of violation of the Veterinary Practice act. The Committee recommends that the case be resolved with a *Consent Order* that would revoke his veterinary license.

Upon motion by Mrs. Robinson, seconded by Dr. Martin, the Board approved the report of Committee on Investigations No. 6.

Report of Committee on Investigations No. 9

2010036-9 **Sean Michael Ellison, DVM** – Mr. William Robert Prevatte | *Letter of Caution.*

2010049-9 **George Simon Ghneim, DVM** (CareFirst Animal Hospital at Glenwood) – Ms. Dawn M. Dlouhy | *Dismissed, no probable cause.*

Dr. Martin had to leave the meeting at 2:41 p.m.

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- 2010051-9 **Joyce Marie Carnevale, DVM** (TotalBond Veterinary Hospital at New Hope) – Ms. Teresa Galloway | *Dismissed, no probable cause.*
- 2010053-9 **Peter Lawrence Dugan, DVM** (Coastal Carolina Animal Hospital) – Ms. Cheryl Cole | *Dismissed, no probable cause.*
- 2010038-8 **Michael J. House, DVM - Deceased** (Animal Hospital of Pitt County, PA) – Ms. Debra Umphlett | *Letter of Reprimand.*
- 2010055-9 **David Alan Conde, DVM -** (West Hills Veterinary Centre, Inc.) – Ms. Mary E. Edwards | *Continued.*

Upon motion by Mrs. Robinson, seconded by Dr. Hawkins, the Board approved the report of Committee on Investigations No. 9.

Upon a motion by Mrs. Robinson, seconded by Dr. Hawkins, the Board approved the actual expenses for this meeting. The motion passed unanimously.

Upon motion of Mrs. Robinson, seconded by Dr. Hawkins, the Board adjourned the meeting at 3:07 p.m.

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Respectfully Submitted,

Thomas M. Mickey
Executive Director