

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

At 8:00 a.m., President Richard Hawkins, D.V.M. called to order the regular meeting of the North Carolina Veterinary Medical Board. In attendance were the following Board members: Drs. Dwight E. Cochran, William Dean, Kim Gemeinhardt, David Marshall and Dante Martin; Mr. Jonathan Loftis, 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. Hawkins reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement on recognizing and avoiding conflicts of interest.

On motion by Mr. Loftis, seconded by Dr. Gemeinhardt, the minutes for the November 9, 2012 Board meeting were approved.

At 8:10 a.m., Warren Pendergast, M.D., Medical Director, and Joseph P. Jordan, PhD., Clinical Director, of the N.C. Physicians Health Program (NCPHP) joined the meeting. Dr. Pendergast and Dr. Jordan presented an update of the status of the N.C. Veterinary Health Program (NCVHP) since

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

the last Board meeting. Mr. Hearn presented the proposed renewal of the Board's Agreement with NCVHP for the term beginning February 1, 2013 through July 31, 2013. Following discussion, upon motion by Mr. Loftis, seconded by Dr. Cochran, the Board unanimously voted to renew its Agreement with NCVHP as presented. Dr. Pendergast and Dr. Jordan left the meeting at 8:30 a.m.

Myles Roderic Moritz, DVM appeared before the Board at 8:50 a.m. to discuss issues concerning reinstating his North Carolina veterinary license, which was revoked on March 1, 1997 for his failure to renew. He has since practiced in other jurisdictions. Following discussion with the Board, he left the meeting at 9:05 a.m.

At 9:05 a.m., the Board recessed for a break and resumed the meeting at 9:15 a.m.

At 9:15 a.m. Ms. Claire Holley, Executive Director of the North Carolina Veterinary Medical Association (NCVMA) presented a legislative issue to the Board for its consideration. The NCVMA Board is concerned

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

that email addresses of licensees in the Board records are public record and, as such, could be obtained by individuals and businesses for marketing and other purposes. The NCVMA Board considers the email addresses to be private information. She presented draft language that would amend the Veterinary Practice Act to exclude such identifying information from the N.C. public records law (G.S. Chapter 132). Ms. Holley also presented a proposal from the NCVMA to restrict the number of continuing education hours in the category of practice management that may be earned for annual license renewal. She requested that the Board review and support the adoption of both proposals. She left the meeting at 9:50 a.m.

The Board scheduled a Board meeting to be held by telephone conference call on February 19, 2013, at 1:00 p.m. The purpose of the meeting is to discuss (1) an amendment to the Veterinary Practice Act clarifying the requirements for reinstatement of a veterinary license or technician registration revoked for non-renewal; and (2) an amendment to the Board Rules to restrict the number of continuing education hours that may be applied to annual license/registration renewal in the category of

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

practice management. The Executive Director and Board attorney will distribute draft language on both issues before the meeting.

At 10:12 a.m., the Board recessed for a break and resumed the meeting at 10:20 a.m.

The Board resumed its discussion of the issues that Dr. Moritz raised regarding reinstating his North Carolina veterinary license. The Board concluded that the provisions of the Practice Act concerning reinstatement requirements for a veterinary license (and technician registration) are outdated and need to be updated. The Board determined that a legislative change is necessary. Dr. Martin made a motion to adopt a six-month temporary policy for the reinstatement of licenses revoked for reasons other than disciplinary action, which typically would be non-renewal. The elements of the policy are: the person eligible for reinstatement of a license revoked for non-renewal must: (1) be licensed in another State, with no past or pending disciplinary actions; (2) have actively practiced veterinary medicine during the last five years; (3) provide proof of having completed the North Carolina continuing education requirements for each of the last

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

three years; (4) pay the current required reinstatement fee; and (5) apply, pay for, and pass the North Carolina Veterinary State Examination. Other fees required for reinstatement would be deferred until November 1, 2013. The Board will review this policy again at its September meeting. Dr. Cochran seconded the motion. The motion passed unanimously.

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

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. On motion by Mr. Loftis, seconded by Dr. Dean, the financial report was approved.

At 12:20 p.m., the Board recessed for a break and resumed the meeting at 1:00 p.m.

At 1:00 p.m., Mrs. Nancy K. Robinson, RVT, former Board member and Board Vice-President, joined the meeting. Dr. Hawkins presented a

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

plaque to Ms. Robinson thanking her for her service on the Board. Mrs. Robinson left the meeting at 1:15 p.m.

Report of Committee on Investigations No. 4

- 2012026-4 **Guy Beretich, DVM** – (Vets for Pets) – Mr. & Mrs. Grant Croonquist – Letter of reprimand
- 2012038-4 **Laura Anne Kaylor, DVM** – (Arcadia Veterinary Hospital) – Mr. Jeff Block - Letter of reprimand
- 2012036-4 **Dennis Kay Johnson, DVM** – (Greenville Veterinary Hospital) – Mr. David Gladson - Letter of reprimand and two recommended \$5,000.00 civil monetary penalties.
- 2012043-4 **Norman F. Manning, DVM** – (Wake Forest Animal Hospital) – Mr. Brian Hendrickson - Dismissed, No Probable Cause
- 2012048-4 **Jon Christopher Dick, DVM** – (Magnolia Animal Hospital) – Ms. Rachel Valeri Carroll - Letter of reprimand and letter of caution.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

Following discussion, upon motion by Dr. Cochran, seconded by Mr. Loftis, which unanimously passed, the Board found the following factors set forth in G.S. § 90-187.8(b)(2) [duration and gravity of the violation]; (b)(3) [the violation was committed willfully or intentionally]; (b)(4) [the violation involved elements of fraud or deception to the client and to the Board]; and (b)(5) [the licensee's prior disciplinary record] as the bases for the two \$5,000.00 civil monetary penalties against Dennis Kay Johnson, DVM, in complaint 2012036-4.

2012012-4 **Deborah Ann Cowan, DVM** – (Animal Hospital of Walnut Cove) – Ms. Penny Boyles – At the request of Dr. Cowan, the Committee reconsidered its previous decision to issue a letter of caution. Its reconsidered decision remains a letter of caution, but part of the basis for the letter of caution is modified.

Mr. Loftis made a motion to approve the report of Committee on Investigations No.4. Dr. Cochran seconded the motion. The motion passed

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

with Dr. Gemeinhardt recusing herself with respect to the Dr. Cowan, complaint (No. 2012012-4).

Report of Committee on Investigations No. 3

- 2012035-3 **Ginger Wike Tran, DVM** – (Heritage Animal Hospital) – Dawn Lanza, DVM – Letter of reprimand and a recommended \$2,500.00 civil monetary penalty.
- 2012039-3 **Guy Patrick McKee, DVM** – (Apple Valley Animal Hospital) – Mrs. Jill Murphy - Letter of caution.
- 2012041-3 **Cecilia S. Ho, DVM** – (Cat Care Hospital) – Mr. & Mrs. Douglas Caldwell and Ms. Rebecca Feeney - Continued
- 2012042-3 **Byron Ruiz, DVM** – (Antech Diagnostics Lab) – Ms. Roberta Aurelia Troy – Dismissed, No Probable Cause.
- 2012037-3 **Rebecca Gail Weaver, DVM** – (Animal Emergency Services of Forsyth County) – Mr.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

Shannon N. Dennis - Dismissed, No Probable Cause.

2012044-3 **Samuel Green Griffin, DVM** – (West Stanly Animal Clinic) – Ms. Sharon Dalfonso - Dismissed, No Probable Cause

2011038-3 **Jordan Quinn Jaeger, DVM** – (Carolina Veterinary Specialty South Charlotte Medical Center– Mr. & Mrs. James Wicker - At the request of Dr. Jaeger, the Committee reconsidered its previous decision to issue a letter of caution. The Committee’s reconsidered decision, based upon additional information, is: Dismissed, No Probable Cause.

Upon motion by Mr. Loftis, seconded by Dr. Dean, the Board approved the report of Committee on Investigations No. 3.

Following discussion, upon motion by Mr. Loftis, seconded by Dr. Dean, which unanimously passed, the Board assessed a \$2,500.00 civil

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

monetary penalty against Ginger Wike Tran, DVM, in complaint 2012035-3, based upon the factors set forth in G.S. § 90-187.8(b)(1) [degree and extent of harm to the public health]; (b)(2) [duration and gravity of the violation]; (b)(3) [the violation was committed willfully or intentionally]; (b)(4) [the violation involved elements of fraud or deception either to the client or to the Board]; and (b)(6) [the extent to which the licensee profited by the violation].

Report of Committee on Investigations No. 5

2012019-5 **Michael John Thomann, DVM** – (Greater Charlotte Mobile Veterinary Clinic) – The Committee found probable cause and directed that a Notice of Hearing be issued.

At 2:35 p.m., the Board recessed for a break and resumed the meeting at 2:50 p.m.

Dr. Gemeinhardt presented information she had compiled from other veterinary licensing boards about disciplinary guidelines. She presented

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

information from Virginia and Oregon, as well as comments obtained from other Boards. Following discussion, the Board took no further action.

Dr. Gemeinhardt made a motion, seconded by Dr. Cochran, 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 3:25 p.m., the Board entered into closed meeting and returned to open session at 3:55 p.m.

Dr. Cochran made a motion to approve the increased compensation to Board staff that was approved in closed session. Mr. Loftis seconded the motion. The motion passed unanimously.

Upon motion of Dr. Gemeinhardt, seconded by Dr. Martin, the expenses for this Board meeting were approved.

The Board having no further business, upon motion of Mr. Loftis, seconded by Ms. Morgan, the meeting was adjourned at 4:10 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 1, 2013**

Respectfully Submitted,

Thomas M. Mickey
Executive Director