

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, February 2 & 3, 2012**

On February 2, 2012, President Linwood Jernigan, D.V.M. called the regular meeting of the North Carolina Veterinary Medical Board to order at 4:42 p.m. In attendance were the following Board members: Drs. Dwight Cochran, 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 on recognizing and avoiding conflicts of interest.

On motion by Dr. Marshall, seconded by Mrs. Morgan, the minutes for the November 3, 2011 meeting were approved as corrected.

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

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The Board recessed the meeting at 5:50 p.m. for a break and reconvened at 6:15 p.m.

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.

As part of his report, Mr. Mickey proposed that the Board purchase new computer equipment, including servers, in an amount not to exceed \$15,000.00. Following discussion, upon motion of Mrs. Robinson, seconded by Dr. Gemeinhard, the Board unanimously voted to authorize this purchase.

Mr. Hearn presented the proposed extension of the Board's Agreement with NCVHP for the period beginning February 1, 2012 through July 31, 2012. Following discussion, upon motion by Dr. Cochran, seconded by Mrs. Robinson, the Board unanimously voted to renew its Agreement with NCVHP as presented. Mr. Mickey will sign the agreement on behalf of the Board.

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Mr. Mickey and Mr. Hearn jointly reviewed with the Board the January 24, 2012 letter to Dr. Mark D. Ledyard of Asheville from the attorney for the N.C. Board of Physical Therapy Examiners (“Physical Therapy Board”). This issue has been discussed previously by this Board. The correspondence of January 24, 2012 confirmed that the Physical Therapy Board was closing its file on its investigation with no further action contemplated or warranted because a recent review of the Charlotte Street Animal Hospital website indicated that all references to “physical therapy” and “physiotherapy” had been removed.

With respect to Kelly Erickson, DVM, Mr. Mickey informed the Board that Dr. Erickson’s mobile facility had passed inspection. The Board reviewed the motion it had adopted at the November 3 meeting with respect to Dr. Erickson’s business plan that she submitted to the Board in 2010. The Board reaffirmed that it will request her to resubmit her business plan, and the Board will continue to review the delivery of veterinary medical services under that plan. The Board recognizes that for now Dr. Erickson may

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provide vaccinations and services through the mobile facility consistent with the Veterinary Practice Act and Board Rules.

Mr. Hearn presented for discussion and approval by the Board the proposed Consent Order with Rachael Susan Easterly, DVM, Board complaint no. 2010057-6. The Consent Order, already signed by Dr. Easterly, will resolve the pending complaint and will revoke her veterinary license. Following discussion, the Board, upon motion of Mrs. Robinson and seconded by Dr. Marshall, unanimously approved the Consent Order. Dr. Jernigan signed the Consent Order as President of the Board.

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 7:25 p.m., the Board entered into closed meeting and returned to open session at 8:25 p.m.

The meeting adjourned at 8:28 p.m. with plans to reconvene on Friday at 8:00 a.m.

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On Friday, February 3, 2012 at 8:00 a.m. President Linwood Jernigan, 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, 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 on recognizing and avoiding conflicts of interest.

At 8:05 a.m., Warren Pendergast, M.D., Medical Director of the N.C. Physicians Health Program (NCPHP) joined the meeting. Dr. Pendergast presented an update of the status of the N.C. Veterinary Health Program (NCVHP) since the last Board meeting. Dr. Pendergast left the meeting at 8:30 a.m.

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Mr. Mickey reviewed with the Board an email of February 1, 2012 from Dr. Michael G. Davidson, Associate Dean and Director of Veterinary Medical Services at N.C. State University-College of Veterinary Medicine (NCSU-CVM). Dr. Davidson wrote the Board to voluntarily report a situation where certain patients treated at the N.C. State University-Veterinary Teaching Hospital (NCSU-VTH) had inadvertently received incorrect dosages of radiation in January, 2012. Upon motion of Dr. Marshall, seconded by Dr. Cochran, the Board voted unanimously to refer this matter to Committee on Investigations No. 5 for further assessment of this email and of additional information that might be received from NCSU-CVM or from other parties.

At 9:00 a.m., the Board temporarily recessed for a break and resumed the meeting at 9:12 a.m.

Mr. Mickey and Lee Craven reported on the preparation and filing of several reports required by the Office of State Budget and Management (OSBM). The Board members had received a copy of those reports.

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Mr. Hearn and Mr. Craven next reported that pursuant to a statutory requirement, they had conducted with Mr. Mickey a review of Board Rules to identify existing rules that are unnecessary, unduly burdensome or inconsistent with the principles sent forth in N.C.G.S. 150B-19.1(a). Their review did not find any such rules.

Report of Committee on Investigations No. 1

2011015-1 **Steven A. Walker, DVM** – (Countryside Animal Hospital) – Ms. Teresa Pate | Continued

2011017-1 **Robert Loring Berman, DVM** – (Carolina Veterinary Specialty South Charlotte Med) – Dr. Richard T. Nichols | Dismissed, no probable cause.

2011019-1 **Lauren Elizabeth Hessey, DVM** (Waxhaw Animal Hospital) – Ms. Odalys Rodriguez | Letter of Reprimand.

2011021-1 **Ann Marie Livengood, DVM** (Pfafftown Animal Hospital) – Ms. Lisa Nelson | Letter of Caution.

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2011023-1 **Anthony Harris Levine, DVM** (Ironton Animal Hospital) – Mr. Michael Walsh | Letter of Reprimand.

2011025-1 **Mark Hayes, DVM** (Tenth Street Animal Hospital) – Ms. Margaret Gomez | Letter of Caution.

2011028-1 **Mark Ledyard, DVM** (Charlotte Street Animal Hospital) – Mr. James P. Henderson | Letter of Caution.

2011030-1 **Lea Grace Osborne, DVM and Mary Lynn Paluselli, DVM** (The Pet Vet on Patton Animal Hospital) – Mr. & Mrs. Brett Herman | Mr. & Mrs. Herman withdrew their complaint against Dr. Paluselli. The Committee dismissed the portion of the complaint against Dr. Osborne with a finding of no probable cause.

2011032-1 **Ann Schaumburg Krueger, DVM** (Mint Hill Animal Clinic) – Ms. Denise Orton | Dismissed, no probable cause.

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2011034-1 **Larry Joseph Rutledge, DVM** (Brown Creek
Animal Hospital) – Ms. Harriet Hethcox |
Dismissed, no probable cause.

Upon motion by Mrs. Robinson, seconded by Dr. Hawkins, the Board
approved the report of Committee on Investigations No. 1.

The meeting recessed at 12:15 p.m. for a break and reconvened at
1:00 p.m.

Report of Committee on Investigations No. 5

2011006-5 **Michael J. Heinen, DVM** (Lake Normal Animal
Hospital, P.A.) – Mr. Pedro Martinez | Dismissed,
no probable cause.

2011016-5 **Brian Joseph Trumpatori, DVM** – (Veterinary
Specialty Hospital of the Carolinas) – Ms. Debbie
Holt | Dismissed, no probable cause.

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2011020-5 **Jeffrey W. Burroughs, DVM** (Columbus Mobile
Veterinary Services) – Mr. Timothy Swain |
Dismissed, no probable cause.

2011018-5 **Cynthia Denise Burnett, DVM** (Burnett
Veterinary Hospital) – Ms. Teresa McPherson |
Dismissed, no probable cause.

2011022-5 **Susan Marie Mervin, DVM** (University Parkway
Animal Hospital) – Ms. Christine Flock/Ms.
Rosmarie Adams | Dismissed, no probable cause.

2011014-5 **Lee Darch, DVM** (North Wake Animal Hospital)
– Board initiated complaint. The Committee
reconsidered its previous decision to dismiss this
complaint. The Committee elected to issue a
Letter of Caution.

2011027-5 **Lee Darch, DVM** (North Wake Animal Hospital)
– Ms. Michele Hamilton | Letter of Caution.

2011031-5 **Kim Francine Krivit, DVM** and **Amy Lee
Nevens, DVM** (North Star Veterinary Hospital)
Mr. Moses Barrow | Dismissed, no probable cause.

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2011033-5 **Ralph Augustus Keel, Jr., DVM** (The Pet Hospital of New Bern) Mr. Robert “Wulf” Williamson | Letter of Reprimand.

2011024-5 **Eugene Upshaw, DVM** (Burlington Road Animal Hospital) Mr. Jason Mayberry | Letter of Caution.

2011037-5 **Jennifer Lynn O’Brien, DVM** (Banfield Pet Hospital – Monroe) Mr. Dirk Dachs | Letter of Reprimand.

2011029-5 **Eugene Upshaw, DVM** (Burlington Road Animal Hospital) Ms. Jevondra Wright | Letter of Reprimand. Dr. Marshall made a motion, seconded by Dr. Gemeinhardt, to accept the recommendation of Committee No. 5 to assess a \$1,000.00 civil monetary penalty against Dr. Upshaw upon findings of factors in G.S. 90-187.8(b)(1); and (2); and (3); and (5). The motion passed unanimously.

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Dr. Cochran left the meeting room and did not to participate in the report of case no. 2011029-5.

2011029-5 **Sonja Szymeczek, DVM and Dwight Cochran, DVM** (VCA Apex Animal Hospital) Mr. Gary Meyers and Mrs. Edith Meyers | Dismissed, no probable cause.

Upon motion by Ms. Morgan, seconded by Dr. Gemeinhardt, the Board approved the report of Committee on Investigations No. 5.

Dr. Cochran returned to the meeting room.

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

The Board having no further business, upon motion of Dr. Marshall, seconded by Mrs. Morgan, the meeting was adjourned at 2:55 p.m.

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Respectfully Submitted,

Thomas M. Mickey
Executive Director