

**MINUTES, North Carolina Veterinary Medical Board
Board Office, Raleigh, North Carolina, April 25, 1997**

President David E. Brooks called the meeting to order at 8:30 A.M. Others in attendance were Board members Drs. George Edward, Joseph Gordon, Herbert Justus, Kenneth Padgett, Amy Lewis and Mrs. Nellie Jones. The Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey were also present.

The Executive Director read the minutes of the January 24, 1997, meeting. On a motion made by Dr. Gordon, seconded by Dr. Edwards, the minutes were approved as corrected.

The Executive Director reported that a health insurance plan is now in place for the Board's full-time employees. It is a PPO plan with BlueCross BlueShield of North Carolina.

The Executive Director reported that a Simplified Employee Pension plan has been established as the Board directed at its last meeting.

Dr. Gordon reported on Ms. Renee D. Daniel, a medical sonographer who offers a consulting service to veterinarians, and her affiliation with Dr. Cynthia Godshalk. Ms. Daniel had recently responded to an earlier inquiry of the Board. The discussion of the Board led to a motion by Dr. Gordon that the Board develop a rule defining other health care providers, including but not limited to acupuncture, chiropractic, dentistry, and sonography, working under the supervision of a licensed veterinarian. The motion was not seconded. After further discussion Dr. Gordon made a motion to establish a Board policy concerning other health care providers working

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under the direct supervision of a licensed veterinarian. After discussion Dr. Gordon himself tabled the motion for further research and consideration.

Dr. Padgett requested that the Board reconsider the request of Dr. Jeffrey Kline for a veterinary license which was denied at the last meeting. The Board reviewed the General Statutes and Administrative Rules governing licensing and determined that the Board does not have the authority to grant the request of Dr. Kline. This is a result of Dr. Kline not having an Educational Commission for Foreign Veterinary Graduates (ECFVG) certificate. Dr. Gordon made a motion that the Executive Director write to the ECFVG commission and request that they review their current requirements. The motion was seconded by Dr. Padgett. Dr. Edwards opposed the motion. After discussion the motion was withdrawn. The Executive Director is to further research the ECFVG program.

Dr. Brooks formed a new Committee on Investigations (Number 8) to review complaints concerning practice facilities and advise the Executive Director on revisions to practice facility inspection procedures. The Committee consists of Dr. Lewis, Dr. Justus and Dr. Padgett. Dr. Lewis will chair the committee.

Dr. Padgett reviewed the complaint (96031-1-7) made by Mrs. Sandra Miller against Dr. Cynthia Burnett. The Committee on Investigations No. 7 recommended entering into a consent order with Dr. Burnett. Dr. Lewis made a motion to accept the committee's recommendation. The motion was

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seconded by Dr. Gordon. The motion passed unanimously. The consent order was signed by Dr. Brooks.

Mr. Hearn reported that Mr. J. Sandy Swanson has not responded to any of his letters that he sent on behalf of the Board. In Mr. Hearn's letter he requested Mr. Swanson to verify his status as a veterinarian. Having not received any response from Mr. Swanson this matter was continued pending a response.

The Executive Director distributed a financial report to the Board Members.

Dr. Edwards made a motion to allow the Executive Director to spend up to \$2,500 to upgrade the Board office computer systems. The motion was seconded by Dr. Padgett. The motion passed unanimously.

The meeting was adjourned at 10:25 a.m. for a ten minute break.

The meeting reconvened at 10:35 a.m.

Investigative Committee Reports

Report of Committee on Investigations No. 1

96004-9-9 Dr. Diana Whittier Dudley (Complaint of Ms. Robin Collins) - Letter of Caution.

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- 96014-9-9 Dr. Diana Whittier Dudley (Complaint of Ms. Lisa Keller) - Combined with complaint number 96004-9-9.
- 96032-1-1 Dr. John E. Dowler (Complaint of Ms. Karen E. Taylor) - Reconsidered from the January 1997 meeting in which Dr. Dowler was to be issued a Letter of Reprimand. After reconsideration the Committee issued a Letter of Caution.
- 96040-1-1 Dr. George B. Creed (Complaint of Ms. Kristin Davis) - Disciplinary Action - Letter of Caution to be written by Mr. Hearn.
- 97002-1-1 Dr. Derek C. Norford (Complaint initiated by the Board concerning the complaint filed by Mr. & Mrs. Donald Jones against Dr. Upshaw) - Disciplinary Action - Letter of Caution to be written by Mr. Hearn.
- 97004-1-1 Dr. James R. Allen (Complaint of Ms. Jamie L. Brumfield) - Dismissed, no probable cause, if Dr. Allen's practice facility passes a unannounced inspection.
- 97006-1-1 Dr. Marilyn S. Brewer (Complaint of Mrs. Ava H. Smith) - Dismissed, no probable cause.

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97010-1-1 Dr. Kathryn Rae Remsberg (Complaint of Ms. Valerie M. Trombly) - Dismissed, no probable cause.

97008-1-1 Dr. Charles T. Steinman & Dr. Rita Hirning DeMeuse (Complaint of Ms. Linda L. Merrell) - Dismissed, no probable cause.

97012-1-1 Dr. Thomas B. Kuhn (Complaint of Ms. Sara Larshan) - Dismissed, no probable cause.

Report on Committee on Investigations No. 7

96037-1-7 Dr. Cynthia Denise Burnett (Complaint of Mr. & Mrs. Ray Eakins) - Disciplinary Action - Letter of Reprimand.

97001-1-7 Dr. Margaret Pressley (Complaint of Mr. & Mrs. Robert Blevins) - Dismissed, no probable cause.

96041-1-7 Dr. James W. Eubanks (Complaint of Mrs. Diana Shaw) Disciplinary Action - Letter of Caution.

97005-1-7 Dr. Stanley L. Griffith (Complaint of Jeffrey Siegel, M.D.) - Dismissed. No probable cause.

97007-1-7 Dr. John Anthony Stih (Complaint of Ms. Carol Reynolds) Disciplinary Action - Letter of Caution.

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96044-1-7 Dr. Leah Prather (Complaint of Ms. Rita M. Creech) -
Dismissed. No response from Ms. Creech.

97003-1-7 Dr. Joel Garrett & Dr. Ann Marie Turner (Complaint of
Ms. Pamela Usry) - Continued, pending a response from
Dr. Garrett.

The Board reviewed the information received from the FDA concerning Mr. Albert M. Eatmon, President Dedmon Stock Yard, and Dr. Earl Sheppard. Dr. Padgett made a motion to send Mr. Eatmon a letter to cease and desist the practice of veterinary medicine. The motion was seconded by Dr. Gordon. The motion passed unanimously, with Dr. Edwards abstaining.

Dr. Padgett made a motion to initiate a Board complaint against Dr. Sheppard for having a professional association with or knowingly employing any person practicing veterinary medicine unlawfully. The motion was seconded by Dr. Gordon. The motion passed unanimously, with Dr. Edwards abstaining.

Mr. Hearn presented a draft letter to Richard J. House, M.D., L.Ac, Chair of the North Carolina Acupuncture Licensing Board, that he had prepared on behalf of the Board. The Acupuncture Board is of the opinion that veterinary acupuncture is a reasonable extension of an acupuncturist. The letter prepared by Mr. Hearn states that administering acupuncture to

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animals would constitute the practice of veterinary medicine. Dr. Justus made a motion to send the letter as is. The motion was seconded by Dr. Gordon. The motion passed unanimously.

The Board reviewed the request from G. Sylvester Price, D.V.M., Ph.D., Assistant Professor of Oncology, at the North Carolina State University, College of Veterinary Medicine, concerning continuing education. Dr. Price would like the oncology service's Practitioner Affiliate Program to be approved for twenty hours of continuing education. Dr. Gordon made a motion to approve the request. The motion was seconded by Dr. Lewis. The motion passed unanimously.

The Board reviewed the request from Dr. Cynthia P. Godshalk to provide continuing education programs to various veterinary hospitals around the state. She is board certified by the American College of Veterinary Radiology. Her program would be conducted at individual practices and would involve only the veterinarians at that hospital. Each program would consist of one or more of the following:

1. Assessment of radiographic quality and practice tips for better radiographs;
2. Radiographic interpretation of teaching film sets; and
3. Radiographic interpretation of the practitioner's films.

Dr. Gordon made a motion to allow this type of request with the following guidelines:

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1. One on one CE credits in a non structured environment of not more than three hours per year per licensee;
2. These programs are not affiliated or sponsored by another school or association;
3. The CE provider must be Board Certified;
4. The provider must provided documentation by December 31 to the Board as to who these CE programs were presented to in that calendar year; and
5. All such providers need prior Board approval on an annual basis.

The motion was seconded by Dr. Lewis. The motion passed unanimously.

The Board directed the Executive Director to communicate this information to Dr. Michael R. Metcalf who is providing a similar CE program.

The Board reviewed the letter from Dr. Sylvia J. Smith in which she requests clarification on the duties that veterinary technicians and employees are allowed to perform under the North Carolina Veterinary Practice Act. The Executive Director is to write to her and refer her to G.S. 90-187.6(c).

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The Board reviewed the information received from the American Veterinary Medical Association Professional Liability Insurance Trust concerning professional liability protection. The Board tabled this item until further information is received.

The Board reviewed the Southern Pines Equine Associates Newsletter in which they announced their affiliation with an equine dentist, Percy Page. The Board determined that Percy Page is practicing veterinary medicine without a veterinary license. Also, the affiliation, as described in the newsletter, with Mr. Page by Southern Pines Equine Associates appear to be violating the Practice Act. Mr. Hearn is to send Percy Page a cease and desist letter and also inform the Doctors of Southern Pines Equine Associates that they are violating the Practice Act.

Dr. Edwards made a motion to amend the consent order with Dr. Cynthia L. Branch so that it conforms to the consent order that Dr. Branch has with Virginia. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board reviewed information received at the Board office concerning the practice of veterinary medicine at practice facilities that have not been inspected by the Board. The Executive Director is to write to the veterinarians who live on the coast and question them as to how they are providing for emergency services and if they practice away from their Board approved facility.

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Dr. Brooks appointed a nomination committee consisting of Dr. Padgett, Dr. Edwards, and Mrs. Jones. This committee is to make nominations for President, Vice President and Secretary-Treasurer. They will report back at the next Board meeting.

On a motion by Dr. Gordon, seconded by Dr. Padgett, the Board approved the actual expenses for this meeting.

The meeting was adjourned on a motion by Dr. Padgett and seconded by Dr. Gordon at 1:45 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director