

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

At 8:01 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, and David Marshall; 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.

During the review of the February 1, 2013, Board minutes, in order to correct an omission Dr. Marshall made a motion to approve the report that day of Committee No. 5, which motion was seconded by Dr. Gemeinhardt. The motion passed unanimously.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

On motion by Dr. Cochran, seconded by Mr. Loftis, the minutes for the February 1 (as corrected), February 19, and March 4, 2013 Board meetings 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 the last Board meeting. They also presented information from the NCVHP Compliance Committee and led a discussion with the Board concerning possible expansion of the authority of the Board to require assessments of veterinarians and registered veterinary technicians who are charged with, or who have been convicted of, alcohol or controlled drug criminal offenses. Dr. Pendergast and Dr. Jordan left the meeting at 8:35 a.m.

The Board discussed the information received from the NCVHP Compliance Committee but ended their discussion without reaching a recommendation or decision at 9:00 a.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

Mr. Hearn reviewed with the Board his memo of June 2, 2011 concerning reimbursement for travel and lodging expenses pursuant to the State of North Carolina travel policy. The Board anticipates incurring expenses exceeding State-authorized maximum amounts for food and lodging in Pinehurst in connection with the Board meeting scheduled for June 27, 2013. Therefore, it will be necessary for the Board to authorize in advance these additional expenditures. The meeting will be held at the same location as the meeting of the N.C. Veterinary Medical Association, allowing the Board to discuss relevant regulatory information with veterinarians and registered veterinary technicians attending the NCVMA convention. The meeting will reasonably enhance the work and functions of the Board. Following discussion, there was a motion by Dr. Cochran, seconded by Dr. Gemeinhardt, pursuant to Mr. Hearn's memorandum of June 2, 2011 to authorize the expenditures for lodging and travel expenses for the meeting up to the amounts actually incurred.

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

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

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 Dr. Gemeinhardt, seconded by Dr. Marshall, the financial report was approved.

The Committee on Investigations No. 4 asked to clarify the factors determined by the Board on February 1 for the civil monetary penalties assessed against Dennis Kay Johnson, DVM in complaint 2012036-4. The Board again discussed the grounds for the civil monetary penalties. Following discussion, upon motion by Mr. Loftis, seconded by Dr. Cochran, which unanimously passed, the Board found the factor in G.S. § 90-187.8(b)(4) [the violation involved elements of fraud or deception to the client and to the Board] to support a \$5,000 civil monetary penalty with respect to probable cause of violation of G.S. § 90-187.8(c)(19); and the Board found the factors in G.S. § 90-187.8(b)(2) [duration and gravity of the violation]; (b)(3) [the violation was committed willfully or intentionally] and (b)(5) [the licensee's prior disciplinary record] to support a separate \$5,000.00 civil monetary penalty with respect to probable cause of violation of G.S. § 90-187.8(c)(6).

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

The Board resumed its discussion from its March 4, 2013 meeting regarding an amendment to Board Rule 21 NCAC 66.0206. The proposed amendment would restrict the number of continuing education (CE) credit hours that could be earned in the area of practice management for the renewal of veterinary licenses and veterinary technician registrations. The Board did not adopt that proposal but discussed other parts of the CE rule. Dr. Dean made a motion, seconded by Mr. Loftis, to remove the one-hour restriction for attendance at local sectional association meetings; and to allow an individual serving in the armed forces an extension of time to earn continuing education identical to the extension of time granted by G.S. § 105-249.2 for filing an income tax return. The motion passed unanimously.

The Board reviewed the request from John Bianco, DVM, for a refund of corporation registration dues that were paid by Quail Roost Veterinary Hospital, P.A. from 2007 to 2012. He also requested reimbursement for the cost of advertisements that he placed in local newspapers to address what he thought was a confusion of veterinary practice facility names in the Bahama, N.C. area. He concluded that this confusion resulted from Board decisions

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

in 2012 regarding these facility names. Dr. Dean made a motion, seconded by Dr. Cochran, to grant his request. The motion passed unanimously, with Dr. Hawkins abstaining from the discussion and vote.

Dr. Cochran presented information regarding veterinary medications being dispensed at retail pharmacies on prescription orders from veterinarians. He is concerned about insufficient counseling provided to the customers/clients by the pharmacists about the medications. Following discussion, the Board took no further action.

Dr. Cochran presented information concerning veterinary medications that should be dispensed in vials that are a different color from those used for human medications. Following discussion, the Board took no further action.

The Board determined that the Executive Director should attend the September, 2013 American Association of Veterinary State Boards meeting that will be held in Kansas City, Missouri.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

Report of Committee on Investigations No. 3

2012041-3 **Cecilia S. Ho, DVM** – (Cat Care Hospital) – Mr. & Mrs. Douglas Caldwell and Ms. Rebecca Feeney – Continued.

2012033-3 **Jack V. Hill, DVM** – (Gray’s Creek Animal Hospital) – Mrs. Mary R. Cunard – Letter of Reprimand and \$2,500 civil monetary penalty.

2012045-3 **Jack V. Hill, DVM** – (Gray’s Creek Animal Hospital) – Mrs. Wanda Barton – Letter of Caution

2012049-3 **Joel M. Barden, DVM** – (Veterinary Medical Center) – Ms. Beverly Harris – Continued

At 11:55 a.m., the Board recessed for a break and resumed the meeting at 12:25 p.m.

2012051-3 **Brian David Lapham, DVM** – (Southpoint Animal Hospital) – Ms. Yvette Bikoff – Dismissed, no probable cause

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

- 2012053-3 **David Alan Conde, DVM** – (West Hills Veterinary Centre) – Ms. Nannie Glasscock – Letter of Reprimand and \$2,500 civil monetary penalty.
- 2012054-3 **Kimberly Riley, DVM; Gilliam Pantone, DVM; Corinne Cox, DVM; Katherine Boynton, DVM** – (Banfield the Pet Hospital - Charlotte and Banfield the Pet Hospital - Apex) – Mr. Aldo Rovito – Dismissed, no probable cause
- 2012055-3 **John Patrick Galligan, DVM** – (Fletcher Animal Hospital) – Ms. Barbara Nesbitt – Dismissed, no probable cause
- 2013002-3 **Cynthia Anne Eward, DVM** – (VSH) – Mr. J.P. Handsel – continued
- 2013005-3 **Samuel Grady Potter, DVM** – (Cope Creek Animal Hospital) – Ms. Belinda Trawick – Dismissed, no probable cause
- 2012047-3 **Marguerite Horstman, DVM** – (Woodlawn Animal Hospital) – NCVMB – Based upon the

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

violations at Woodlawn Animal Hospital of minimum health and sanitary standards the Committee recommended that the Board, pursuant to G.S. § 90-186(3), issue a summary emergency order suspending the operation of Woodlawn Animal Hospital and suspending Dr. Marguerite Horstman's veterinary license; and that a Notice of Hearing on the complaint issues be issued within ten days of the issuance of the summary emergency order. Mr. Loftis made a motion to accept the Committee's recommendation. The motion was seconded by Dr. Gemeinhardt. The motion passed unanimously.

Mr. Loftis made a motion to approve the report of Committee on Investigations No. 4. Dr. Cochran seconded the motion. The motion passed with Dr. Dean and Mrs. Morgan recusing themselves with respect to the two complaints against Dr. Hill, complaints No. 2012033-4 and 2012045-3.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

Following discussion, upon motion by Mr. Loftis, seconded by Dr. Cochran, which unanimously passed, the Board found the following factors to support a \$2,500 civil monetary penalty on a finding of probable cause of violation of G.S. § 90-187.8(c)(6) against Dr. Jack D. Hill, DVM in complaint No. 2012033-3: G.S. § 90-187.8(b)(1) [degree and extent of harm to the health of the animal]; and (b)(2) [the duration and gravity of the violation]. Dr. Dean and Mrs. Morgan recused themselves from the vote.

Following discussion, upon motion by Mr. Loftis, seconded by Dr. Dean, which unanimously passed, the Board found the following factors to support a \$2,500 civil monetary penalty on a finding of probable cause of violation of G.S. § 90-187.8(c)(6) against Dr. David Alan Conde in complaint # 2012053-3: G.S. § 90-187.8(b)(1) [degree and extent of harm to the health of the animal]; (b)(2) [the duration and gravity of the violation]; (b)(3) [the violation reflects a continuing pattern]; and (b)(5) [the veterinarian's prior disciplinary record]. Dr. Dean and Mrs. Morgan recused themselves from the vote.

Report of Committee on Investigations No. 4

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

2012046-4 **Melissa Bame Beagle, DVM** – (Alamance Animal
Emergency Hospital) – Dr. April Marklin –
Continued

2012052-4 **Art R. Taylor, DVM** – (Oak Ridge Village
Veterinary Clinic) – Mr. Robert Kees - Letter of
caution

2013001-4 **Matthew K. Wendelken, DVM** – (Banfield the
Pet Hospital - Burlington) – Ms. Carly Hughes -
Letter of caution

2012050-4 **Daniel Robinson, DVM** – (Grassy Creek Animal
Hospital) – Mr. Shawn Gaudet de Lestard -
Dismissed, No Probable Cause

2013004-4 **Jason Kenneth Thornton, DVM** – (Vets for Pets)
– Ms. Betty Capps - Letter of reprimand

2013008-4 **Donald Fuller, DVM** – (Caswell Veterinary
Service) – NCVMB - Continued

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

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

The Board continued its discuss from the morning concerning the possible expansion of the authority of the Board to require assessments of veterinarians and registered veterinary technicians who are charged with, or who have been convicted of, alcohol or controlled drug criminal offenses. By consensus the Board approved the concept of requiring assessments and recommended that work be continued on draft language that would meet the requirements of the Rules Review Commission.

Dr. Hawkins appointed a nominating committee composed of Dr. Cochran and Dr. Dean for the 2013-2014 slate of officers. The Committee will report at the next meeting.

Upon motion of Mr. Loftis, seconded by Dr. Marshall, the expenses for this Board meeting were approved.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 26, 2013**

Committee on Investigations No. 3 reported that it is reconsidering its previous decision against Ginger Wike Tran, DVM, complaint No. 2012035-3, filed by Dawn Lanza, DVM. The Committee will report their findings at the next meeting.

The Executive Director reported that Guy Beretich, DVM has rejected the letter of reprimand issued on March 18, 2013, concerning complaint No. 2012026-4, and he has requested a hearing.

The Executive Director reported that Dr. John Isaacs, DVM has rejected the letter of reprimand issued on March 14, 2013 concerning complaint No. 2012024-4 and requested a hearing.

The Board having no further business, upon motion of Mr. Loftis, seconded by Ms. Morgan, the meeting was adjourned at 2:10 p.m.

Respectfully Submitted,

Thomas M. Mickey
Executive Director