

**MINUTES, North Carolina Veterinary Medical Board  
Asheville, North Carolina, June 14, 2001**

President Joseph Gordon, D.V.M., called the regular meeting of the Board to order at 8:33 A.M. Others in attendance were Board members Drs. David Brooks, Herbert Justus, Amy Lewis, David Marshall, and Kenneth Padgett. The Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey were also present.

The Executive Director read the minutes of the March 23, 2001, meeting. On a motion made by Dr. Lewis, seconded by Dr. Padgett, the minutes were approved as corrected.

Dr. Gordon appointed a Nominating Committee consisting of Dr. Brooks, Dr. Justus and Dr. Padgett. The Committee is to recommend a slate of officers at the end of the Board meeting.

The Board reviewed the status of the rabies law in North Carolina. Dr. Brooks made a motion that it be the opinion of the Board the Licensed Veterinarians, Limited Licensed Veterinarians, Faculty Certificates Veterinarians, Zoo Veterinarians, and veterinary temporary permit holders be allowed to administer rabies vaccines. Dr. Lewis seconded the motion. The motion passed with Dr. Justus and Dr. Padgett opposed.

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The Board reviewed the information received concerning Operation TopCat. Dr. Padgett made a motion to request Emma J. Lackey, D.V.M. to reply to the Board's letter of April 18, 2001. As part of his motion Benjamin S. Turner, D.V.M. is to inspect and investigate Operation TopCat's handling, spaying and neutering of animals. Dr. Justus seconded the motion. The motion passed unanimously.

Benjamin S. Tuner, D.V.M., Veterinary Practice Facility Inspection for the Board, joined the meeting at 9:30 a.m. He reported on the issues he has identified as areas that need improvement or clarification. He reported on the type of facility that is likely to have an inspection violation. The Board directed Mr. Hearn to review the veterinary practice facility consent orders that are still in place. The Board also discussed those facilities that have violations that are not corrected, or corrected but then regress to the point of again having violations. Dr. Justus made a motion that these facilities be reinspected, and should there be violations, a Board initiated complaint be sent to the owner of the practice. Dr. Padgett seconded the motion. The motion passed unanimously.

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The regular meeting of the Board adjourned at 10:20 A.M. for a five-minute break.

The regular meeting of the Board reconvened at 10:25 A.M.

The Board continued its discussion of veterinary practice facilities with Dr. Turner. Dr. Marshall made a motion to adopt Dr. Turner's language concerning an exemption from inspection for mobile consultants. Dr. Padgett seconded the motion. The motion passed unanimously.

Dr. Marshall made a motion to interpret 21 NCAC 66 .0207(b)(15) as to include facilities that have made significant renovations or additions. Dr. Padgett seconded the motion. The motion passed unanimously.

Dr. Turner further recommended that new facilities be inspected two to three months after the opening inspection. Dr. Lewis made a motion that the Board adopt Dr. Turner's recommendation. Dr. Padgett seconded the motion. The motion passed unanimously. Dr. Turner left the meeting at 11:55 a.m.

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The Board discussed the use of the term, “Veterinary Technician.” Dr. Justus made a motion that the Board enforce the use of that term only by those individuals who are registered with the Board. During the course of a veterinary practice facility inspection should a individual be found to be using the term veterinary technician without being registered, it should be noted on the inspection form. The Executive Director will then write to the owner of the facility and inform him or her of the requirements for the use of the term, veterinary technician. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board reviewed the letter from Kathleen J. Nazar, D.C. which was in response to the Board’s letter concerning her performing veterinary orthopedic manipulation. Dr. Marshall made a motion to inform her that veterinary orthopedic manipulation is allowed if prescribed in a veterinarian-client-patient-relationship under the direct supervision of a licensed veterinarian at an inspected veterinary practice facility. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board reviewed the June 11, 2001, letter to the Board from Ms. Nancy and Edna Deas. Any action regarding the letter will be deferred until

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the final completion of all the cases involving Nancy and Edna Deas and there is no further recourse with the Board.

The Board reviewed the status on the hiring of a investigator for the Board. The Board directed the Executive Director to proceed with hiring an employee and not contracting with a company.

As President for the Board, Dr. Gordon presented a list of possible items for the next President's letter. The list included information on a veterinarian's responsibility when working with consultants, major facility renovations requiring a veterinary practice facility inspection, the use of the term, "Veterinary Technician," and revisions to the Veterinary Practice Act.

Mr. Hearn reported on the outcome of the Administrative Hearing with Dr. John Lemay. He also reported on House Bill 722 and 1449. He distributed a draft of the impairment guideline flowchart.

The Executive Director distributed a financial report to the Members of the Board. Dr. Lewis made a motion to approve the report. Dr. Justus seconded the motion. The motion passed unanimously.

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Dr. Justus made a motion to approve the purchase of a new laptop computer for the Board. The purchase is not to exceed \$2,500.00. Dr. Padgett seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 1

- 00011-2-1 Ms. Donna F. Secrest, R.V.T., (Complaint by the Board) – Continued.
- 00046-2-1 Dr. Jonathan Kent-Kealii Stone, (Complaint by the Board) – Continued.
- 00045-5-1 Ms. Karen Lynn Hailey-Lacy, R.V.T., (Complaint by the Board) – Continued.
- 00048-2-1 Dr. Kevin Monce, (Complaint by the Board) – Probable cause for a hearing. Notice of Hearing to be issued.
- 01003-1-1 Dr. Joni Lee Carson (Gnyp), (Complaint of Ms. Patty Poeth) – Disciplinary action, Letter of Caution.
- 01009-1-1 Dr. Ross Schaffer, (Complaint of Mr. & Mrs. Troy Lucas) – Dismissed, no probable cause.

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01013-1-1 Dr. Joni Lee Carson (Gnyp), (Complaint of Mr. & Mrs. H. Shumpert) – Dismissed, no probable cause.

01006-1-1 Dr. F. K. Eiler and Marguerite Yates, R.V.T. (Complaint of Ms. Dianne G. Nickles) – Disciplinary action; Letter of Caution to be sent to Dr. Eiler; Letters of Caution sent to Dr. Eiler's associates, provided that Kenneth Andrew Crawford, D.V.M. and Scott William Berdeen, D.V.M. may reject these if they wish. If they do so the Committee would conduct a formal investigation. Probable cause for a hearing found against Ms. Yates. A Notice of Hearing to be issued against her.

Dr. Lewis made a motion to approve the Committee on Investigations Number 1 report. Dr. Padgett seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 7

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- 00049-1-7 Dr. Abbey Lynn Sutton, Dr. Kady Maughan  
Gjessing and Dr. William Herbert St. Lawrence,  
(Complaint of Ms. Gayle Capotosti) – The portion  
of the complaint against Dr. Sutton and Dr. St.  
Lawrence is dismissed with a finding of no  
probable cause. Dr. Gjessing is to be issued a  
Letter of Reprimand. A copy of the letter of  
disposition is to be mailed to the owner of the  
practice, James Jackson, D.V.M., expressing the  
concerns of the Committee.
- 01002-1-7 Dr. Kim J. Moore, (Complaint of Mr. Scott  
Chapman) – Disciplinary action, Letter of Caution.
- 01005-1-7 Dr. Ian Broadwell Mendoza and Dr. Paul G.  
Malocha, (Complaint of Ms. Lisa Quick) –  
Dismissed, no probable cause.
- 01010-1-7 Dr. James W. Eubanks and Dr. Elizabeth Gough  
Eubanks, (Complaint of Mr. & Mrs. Skip LaRose)  
– Dismissed, no probable cause.

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Dr. Justus made a motion to approve the Committee on Investigations Number 7 report. Dr. Marshall seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 8

01014-2-8 Dr. Stanley Cameron Corbin, (Complaint of the North Carolina Veterinary Medical Board) – Mr. Hearn is to inform Dr. Corbin that a corporation name is not a veterinary practice facility name approval and that his facility is not up to the standards of a small animal facility and he should cease and desist small animal medicine until such time that the facility passes an inspection of the Board. Further, the case is continued until a review of his medical records by the Board.

Dr. Marshall made a motion to approve the Committee on Investigations Number 8 report. Dr. Brooks seconded the motion. The motion passed unanimously.

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Dr. Lewis made a motion to have Dr. Marshall and the Executive Director attend the American Association of Veterinary State Boards' meeting in Boston. The Board will pay the actual expenses for Dr. Marshall and the Executive Director, and any other Board Member, to attend. Dr. Padgett seconded the motion. The motion passed unanimously.

Dr. Brooks made a motion to initiate a Board complaint against the veterinarian who, according to the Jacksonville Daily News, held a tomcat neuter clinic at Moore Stables. Dr. Lewis seconded the motion. The motion passed with Dr. Padgett abstaining.

The Board reviewed application for a veterinary license from Jeffrey Sands, D.V.M. He has applied for licensure under G.S. 90-187.3(a1). Pursuant to the Board minutes of June 18, 1999, the Executive Director is to schedule Dr. Sands to appear before the Board at its next meeting.

The Board reviewed the April 5, 2001, letter of Dr. Catherine J. Baty. The Executive Director is to inform her that her residency, Board Certification, postdoctoral study, and fellowship qualify her as practicing under G.S. 90-187.3(2).

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Dr. Padgett made a motion to approve the application for registration as a veterinary technician from Jonathan Scott Loftis. Dr. Lewis seconded the motion. The motion passed unanimously.

Dr. Lewis made a motion to approve the application for licensure as a veterinarian from James E. Reber, D.V.M. Dr. Brooks seconded the motion. The motion passed unanimously.

The Board reviewed the letter from the American Veterinary Medical Association (AVMA) regarding proposed changes to the Educational Commission for Foreign Veterinary Graduates program (ECFVG). The Executive Director is to write to the AVMA and convey the Board's endorsement of the proposed changes to the program. The letter should also thank the AVMA for their communication and solicitation for comments from the North Carolina Veterinary Medical Board.

The Board reviewed the letter from the AVMA concerning the American Association of Veterinary State Boards' model practice act. The

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Executive Director is to inform the AVMA that the Board reviewed their letter. No further action was taken.

The Board set tentative meeting dates of August 23 & 24, October 31 & November 1, January 10 & 11, March 21 & 22, and June 19 & 20.

Dr. Padgett reported for the Nominating Committee concerning the slate of officers. The Committee nominated Dr. Gordon for President, Dr. Justus for Vice President and Dr. Lewis for Secretary-Treasurer. Dr. Brooks made a motion that the slate of officers be approved and elected to their respective positions. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board reviewed the presentations and discussions in relevant committee meetings, with the North Carolina Veterinary Medical Association, attended by certain members of the Board. The Board determined that by holding its June meeting in Asheville, at the Renaissance Hotel, it provided Board Members with communication, discussion and learning opportunities that did and will enable the Board to more effectively fulfill its responsibilities. While the Board considers its office in Raleigh to

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be its regular and preferred meeting site, the Board determined that meetings in the same general locations where other veterinary professional groups are convening can be a communication resource for the Board. Upon a motion by Dr. Lewis, seconded by Dr. Marshall, the Board approved the actual expenses incurred for travel, meals and lodging for Board Members, the Executive Director and Board Attorney.

The meeting was adjourned by unanimous vote upon a motion by Dr. Justus and seconded by Dr. Padgett at 3:05 P.M.

Respectfully Submitted,

Thomas M. Mickey  
Executive Director