

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2017**

At 8:00 a.m., President William K. Dean, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. In attendance were the following Board members: Drs. Jane A. Barber, Susan K. Bull, Kim D. Gemeinhardt, and Ronald Komich; and Robin Lazaro, RVT and Mrs. Krissie Newman. Also present were Board Attorney, George Hearn, and Executive Director, Tod J. Schadler, DVM.

Dr. Dean reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement on recognizing and avoiding conflicts of interest. He also reviewed G.S. § 90-179 of the North Carolina Veterinary Practice Act.

Dr. Dean introduced Mr. James Penrod, Executive Director of American Association of Veterinary State Boards (AAVSB), as a guest attending the Meeting. Mr. Penrod gave a presentation of the services provided by the AAVSB for veterinary medical boards.

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Dr. Dean welcomed Dr. Komich to the Board and introduced guests Dr. Steven Stelma, Dr. Jennifer Jones-Shults, and Claire Holley, Executive Director of North Carolina Veterinary Medical Association.

At 9:15 a.m., Dr. Gemeinhardt, seconded by Dr. Barber moved to approve the June 29, 2017 Board minutes, with corrections. The minutes were approved unanimously.

A motion made by Dr. Gemeinhardt to approve the July 25, 2017 Board minutes, with corrections, seconded by Ms. Lazaro, passed unanimously.

Dr. Dean announced the appointees to all committees. Committee on Investigations #1 is Dr. Dean, Dr. Bull, and Dr. Barber. Committee on Investigations #7 is Dr. Meckes, Ms. Lazaro, and Dr. Komich. Personnel Committee is Dr. Meckes and Ms. Lazaro. Finance Committee is Dr. Bull and Mrs. Newman. Legislative Committee is Dr. Barber, Dr. Gemeinhardt, and Mr. Hearn. Strengthen Opioid Misuse Prevention (STOP) Act Committee is Drs. Dean, Schadler, Marshall, Davidson, and Shults.

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George Hearn, Board Attorney, reported that Dr. Dennis K. Johnson is in violation of not paying monetary fees from past Final Agency Decisions and Consent Orders. Dr. Johnson will be sent a letter concerning these violations. Committee #1 is assigned to investigate Dr. Johnson's apparent violations.

Mr. Hearn informed the Board that Dr. Brazik has rejected the Letter of Reprimand for complaint 2017017-7.

The Consultant to the Board Report, prepared by Thomas M. Mickey, was presented by Mr. Hearn. An updated calendar for all rules and regulations that are currently in progress was distributed.

There was a discussion about "per diem" for Board members. It was agreed there needs to be a consistent policy and the Finance Committee will revisit this topic in 2018.

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Dr. Schadler gave the Chief Inspector's Report. Hopefully, all inspectors will have computer tablets by the end of the year to help facilitate inspections. Also, there will be six sites set up for mobile inspections across North Carolina which will provide mobile practitioners better opportunities to have their inspections done in a more timely fashion.

At 9:55 a.m. the Board took a break and reconvened at 10:07 a.m.

Jon Carr, Attorney and Lobbyist for the North Carolina Veterinary Medical Association, joined the meeting. He discussed the implications of the STOP Act legislation for veterinarians. As of now, the North Carolina Veterinarians are exempt as dispensers from this Act. Veterinarians are unique in that they can be both prescribers and dispensers. The legislation directs the Board to consult with the NC Department of Health & Human Services as requested on this pending issue. Mr. Carr left the meeting at 10:50 a.m.

Dr. Joseph Jordan, CEO of North Carolina Veterinary Health Program (NCVHP), joined the meeting and gave an updated report.

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Mr. Kevin Warren, from ThoughtSpan, joined the meeting at 11:15 a.m. and gave a demonstration of the new computer software for the Board. It will have the capability providing a total online application process for all veterinarians and technicians. Mr. Warren left the meeting at 12:10 p.m.

Janice Schoew, Officer Manager, gave a brief report to the Board reflecting the number of calls the Board gets concerning clients not receiving a copy of their pet's medical records.

At 12:15 p.m. the Board took brief break and returned for a working lunch.

Dr. Schadler reported that payments owed by Dr. Massey and by Dr. Cardenas are current. As noted, Dr. Johnson is in violation for non-payment of costs and penalties in prior cases.

Dr. Schadler distributed a proposed position statement on Convictions/Misdemeanors/Disciplinary Actions which would apply toward applicants with a charge or conviction of a DUI/DWI. Dr. Schadler is

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waiting for an answer from the DHHS concerning disposal of controlled substances from veterinary facilities. Dr. Bobenhouse, who is seeking reinstatement, needs to provide current and accurate information concerning her pending and past criminal/traffic charges prior to the Board reaching a decision. Dr. Schadler discussed communications with Dr. David Green's psychologist. Details were given to the psychologist regarding the assessment and counseling information required before the Board could reach a decision on Dr. Green's request for activation of his license, which currently is inactive. A draft of wording for the Practice Act in regards to "Premise Permits" and non-veterinary ownership of facilities was distributed.

At 1:00 p.m. Joseph Wright, DVM joined the meeting. He was interviewed for the additional inspector's position for the western part of North Carolina. Dr. Wright was an inspector for the Board previously.

Dr. Schadler shared proposed changes to G.S. 90-187.8 "Discipline of Licensees". The addition of the wording, "or unethical conduct as defined by the Principles of Veterinary medical Ethics of the AVMA or any other

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standards of professional”, was discussed. The Board decided to send this amendment to the Board Legislative Committee for review.

At 1:45 p.m., pursuant to G.S. § 143-318.11(a)(3), Dr. Barber made a motion to go into closed session, seconded by Dr. Gemeinhardt.

At 2:10 p.m. the Board returned from closed session.

At 2:12 p.m., pursuant to G.S. § 143-318.11(a)(6), Mrs. Newman made a motion to go into closed session, seconded by Dr. Gemeinhardt.

At 2:55 p.m. the Board returned from closed session.

Mr. Hearn reminded Board members of the Ethics Training that is needed every two years and he will present the training at the October meeting.

Report of Committee on Investigations No. 1

2017006-1 **Michelle Renee Nanfelt, DVM; Jennifer Lyn Merlo, DVM; Robert Loring Bergman, DVM; Amelia Hamilton Huff, DVM; Sara Beth Schillinger, DVM; Glen Anthony Bonin, DVM; Shannon McFall Bass,**

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DVM (CVS-Matthews/Huntersville) – Mr. Christopher

B. Manecke – continued

2017009-1 **John R. Puette, DVM** (Brigadoon Animal Hospital) –

Ms. Rachel A. Ellis – no probable cause/dismissed

2017023-1 **Barbara Kay Lawrence, DVM** (Lake Country Animal

Hospital) – Mr. Robin Turner – letter of caution

2017029-1 **Rachel Blackmer, DVM** (Southpoint Animal Hospital)

– Mr. Terry Hartman – no probable cause/dismissed

2017021-1 **Megan Melissa McAndrew, DVM** (Guilford County

Animal Shelter) – Dr. Patricia Norris – continued

2017025-1 **Margaret Booth Sayer, DVM** (Charlotte Animal

Referral & Emergency) – Jodi & Gary Michel – no
probable cause/dismissed

Dr. Gemeinhardt made a motion to approve the report from
Committee on Investigations No. 1. Ms. Lazaro seconded the motion, and it
was approved unanimously.

Report of Committee on Investigations No. 7

2017011-7 **Kevin Lewis Brophy, DVM** – NCVMB – continued

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- 2017026-7 **Jack Lee Miller, DVM** (Miller Animal Care) – Ms. Christine Seybold – letter of caution
- 2017028-7 **Joanne Whitehead Speights, DVM** (Clear Creek Animal Hospital) – Ms. Ann Ramsey – letter of reprimand
- 2017030-7 **Clayton Frederick Hellner, Jr., DVM** (Banfield Pet Hospital - Blackeney) – Mr. & Mrs. Allan Rothstein – letter of reprimand
- 2017012-7 **Clayton Charles Watkins, DVM** (Commonwealth Animal Hospital) – Ms. Emi Miller – letter of reprimand

Dr. Bull made a motion to approve the report from Committee on Investigations No. 7. Dr. Gemeinhardt seconded the motion and it was approved unanimously.

The Board approved Board meeting dates for 2018. They will be held on January 18, March 15, May 17, July 19, September 6, and November 8 of 2018.

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A motion by Dr. Gemeinhardt to approve expenses, seconded by Dr. Barber, was approved unanimously.

Dr. Komich made a motion to hire Dr. Joseph Wright upon the condition that no other qualified applicants apply for the new inspector's position. Dr. Gemeinhardt seconded the motion and it passed unanimously. Dr. Marshall and Dr. Schadler will have the right to make the final decision.

The Board, having no further business, a motion to adjourn was made by Mrs. Krissie Newman, seconded by Dr. Gemeinhardt, and unanimously passed. The meeting adjourned at 5:30 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM
Executive Director