

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, September 6, 2002**

President Herbert Justus, D.V.M., called the regular meeting of the Board to order at 8:22 A.M. In attendance were Board members Drs. Joseph Gordon, Linwood Jernigan, Amy Lewis, David Marshall, Kenneth Padgett, Mrs. Nancy Robinson, R.V.T. and Ms. Rebecca Bruton. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

The Executive Director read the minutes of the June 20, 2002, meeting. On a motion made by Dr. Gordon, seconded by Dr. Lewis, the minutes were approved as corrected.

Dr. Gordon reported on the American Association of Veterinary State Boards' (AAVSB) meeting that he attended in Nashville, Tennessee in July. No further action was taken.

The Board members discussed possible content of the next Board Newsletter. Dr. Padgett made a motion that the AAVSB response to the American Veterinary Medical Associations (AVMA) mailing to its members be incorporated in the next Newsletter. Mrs. Robinson seconded the motion. The motion passed unanimously.

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The regular meeting of the Board adjourned at 8:55 A.M. for a five-minute break.

The regular meeting of the Board reconvened at 9:00 A.M.

The Board's investigator met with the Board to present a status report on his work for the last three months. No further action was taken.

The Board discussed Allied Veterinary Health Care Providers. This item is to be placed on the agenda of the next Board meeting. No further action was taken.

At 9:40 A.M. Dr. Charles Loops joined the meeting to discuss his homeopath services. Following his presentation Dr. Loops left the meeting at 10:15 A.M. No further action was taken.

The regular meeting of the Board adjourned at 10:15 A.M. for a five-minute break.

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The regular meeting of the Board reconvened at 10:20 A.M.

At 10:20 A.M. Oscar Fletcher, D.V.M, Dean of the North Carolina State University (NCSU, CVM), College of Veterinary Medicine, David DeYoung, Associate Dean of the Veterinary Teaching Hospital at NCSU, CVM, Mr. Tony DeAngelo, Associate Director, Global Pet Health and Nutrition, Proctor and Gamble and Mr. Kim Hyde, Vice President, Development and Operations, IAMS Pet Imaging Center joined the meeting. They discussed the non-veterinary ownership of a proposed animal imaging center. The proposal is for the NCSU, CVM to lease space in its Veterinary Teaching Hospital to IAMS Pet Imaging, LLC (IPI). IPI will operate a magnetic resonance imaging facility staffed by veterinarians and technicians employees of IPI under the terms of a collaborative project agreement. Following the discussion Dr. Gordon made the following motion. "In order to improve imaging quality, education, research and teaching aspect of the NCSU, CVM and due to the unique and overwhelming benefit to the public health, safety, and welfare for the people and animals of North Carolina the Board endorses the concept of the private and public partnership affiliation of IPI and NCSU, CVM, as presented by Dean Fletcher. Dr. Lewis seconded the motion. The motion passed unanimously.

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The members of the Board welcomed Joseph Linwood Jernigan, D.V.M. The Governor appointed him to the Board. His term commenced August 7, 2002, and is through June 30, 2007. He replaces David E. Brooks, D.V.M. who completed two terms of service.

The members of the Board welcomed Ms. Rebecca A. Bruton. The Governor appointed her to the Board. Her term commenced August 21, 2002, and is through June 30, 2006. She replaces Mrs. Nellie P. Jones who completed more than two terms of service.

The regular meeting of the Board adjourned at 12:15 for lunch.

The regular meeting of the Board reconvened at 12:45.

Dr. Justus reported on his meeting with the North Carolina Veterinary Medical Association's Executive Board. No further action was taken.

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

Report of Committee on Investigations No. 1.

- 02022-1-1 Dr. Charles Franklin McDonell, III, (Complaint of Mr. Joseph Brown and Ms. Lisa Rozck) -
Dismissed, no probable cause.
- 02019-1-1 Dr. Jack Shuler, Jr., (Complaint by Ms. Deborah Ferrero-Conover) – Letter of Reprimand.
- 02024-1-1 Dr. Dennis D. Emerson (Complaint by Ms. Marla C. Ward) – Dismissed, no probable cause.
- 02027-1-1 Dr. Carmen A. Lindheimer and Dr. Toni R. Harris, (Complaint by Mr. Jim Rickards) – Letter of Caution.
- 02029-1-1 Dr. Joel K. Garrett, (Complaint by Ms. Terri Alford) – Letter of Reprimand.

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The Committee recommended the acceptance of the Consent Order signed by Ms. Marguerite A. Yates, R.V.T., Complaint 01006 by Ms. Dianne G. Nickles and Complaint 01016-5-1 by Ms. Marjorie Waynick.

The Committee recommended that a Consent Order be entered into with Dr. James Harvey Lilley, Jr. to resolve complaint 02009-2-1.

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

Ms. Ann Peterson joined the meeting at 1:45 P.M. to discuss the spaying and neutering of dogs and cats and the Animal Protection Society with the Board. She left the meeting at 2:30 P.M. No further action was taken.

The regular meeting of the Board adjourned at 2:30 P.M. for a five-minute break.

The regular meeting of the Board reconvened at 2:35 P.M.

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Report of Committee on Investigations No. 7.

- 02018-1-7 Dr. Leslie L. Leidecker, (Complaint of Ms. Anna Matthews) – Dismissed, no probable cause.
- 02006-1-7 Dr. Mark Philip Nasisse, Dr. Linda Joanne Lew, and Dr. Robert B. Walker, (Complaint by Mr. And Mrs. Rick Lankford) – The portion of the complaint against Dr. Nasisse is dismissed with a finding of no probable cause. The portion of the complaint against Dr. Lew and Dr. Walker is a disciplinary action – Letter of Caution.
- 02014-1-7 Dr. Joel K. Jenson, (Complaint of Mr. And Mrs. James Fitzgerald) – Letter of Reprimand.
- 02026-1-7 Dr. Linda Kinney-Perry, (Complaint of Ms. Marla C. Ward) – Letter of Caution.
- 02007-1-7 Dr. John L. Weeks and Dr. Danny Henry, (Complaint of Mr. And Mrs. Michael McGlaulin) – Dismissed, no probable cause.

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

At the request of the North Carolina Board of Ethics the Evaluation of Statement of Economic Interest filed by Dr. Joseph Linwood Jernigan was read pursuant to Executive Order Number One.

At the request of the North Carolina Board of Ethics the Evaluation of Statement of Economic Interest filed by Ms. Rebecca A. Bruton was read pursuant to Executive Order Number One.

The Board directed the Executive Director to send Dr. Loops a letter thanking him for meeting with the Board.

Upon receipt of a letter from Dr. Oscar Fletcher clarifying the proposal presented earlier in the meeting the Executive Director is to send a letter to Dr. Fletcher on behalf of the Board endorsing the concept.

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The Board discussed, but took no action, on non-veterinarian owned veterinary practice facilities.

Dr. Padgett made a motion to deny the license application of Jeffrey Witwer, V.M.D. for a period of one year as a result of his previously practicing veterinary medicine in North Carolina without a veterinary license. Dr. Lewis seconded the motion. The motion passed unanimously.

The Board reviewed the letter from James R. Crawford, D.V.M. concerning continuing education requirements and the lack of the availability of full-time veterinarians. No action was taken.

Dr. Padgett made a motion to approve the final contract to purchase office space. Dr. Gordon seconded the motion. The motion passed unanimously.

Dr. Justus made a motion to begin the rule making process to revise and update 21 NCAC 66 .0206, .0207, .0301 and .0303. Mrs. Robinson seconded the motion. The motion passed unanimously.

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

The meeting was adjourned by unanimous vote upon a motion by Dr. Lewis and seconded by Dr. Gordon at 3:45 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director