

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

President Joseph Gordon, D.V.M., called the regular meeting of the Board to order at 8:05 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. Members of the public in attendance were Ms. Nancy & Edna Deas.

The Executive Director read the minutes of the August 24, 2001, meeting. On a motion made by Dr. Lewis, seconded by Dr. Padgett, the minutes were approved as corrected.

Ms. Nancy & Edna Deas appeared before the Board at 8:30 a.m. to present information on VetSound, Inc. and the delivery of veterinary services. Their presentation ended at 9:10 a.m.

The Executive Director updated the Board on the status of the joint letter to veterinarians from the North Carolina Veterinary Medical Board and the North Carolina Department of Agriculture and Consumer Services. Currently Board inspector, Benjamin S. Turner, D.V.M. and Carol

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

G. Woodlief, D.V.M. are revising the letter. The Board took no further action.

The Board reviewed a draft letter concerning the use of gowns, towels, drapes, gloves, caps and masks. The Board requested that the letter be modified to reflect language that is more specific. It is clearly the implication of 21 NCAC 66 .0207(b)(9)(I) that gowns, towels, drapes, gloves, caps and masks be used.

The Board reviewed the draft letter concerning the use of the term, “veterinary technician.” On a motion by Dr. Marshall, seconded by Dr. Justus, the letter was approved as amended.

The regular meeting of the Board adjourned at 9:40 A.M. for a five-minute break.

The regular meeting of the Board reconvened at 9:50 A.M.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

Dr. Lewis made a motion to not raise the veterinary license renewal fee from \$75.00 to \$100.00. Dr. Justus seconded the motion. The motion passed unanimously.

Dr. Justus made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(6), to consider the qualifications of Mr. Kenneth M. Wheeler for the new Board office position of investigator. Dr. Padgett seconded the motion. The motion passed unanimously. At 9:55 a.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 10:30 A.M.

The Board discussed the September 4, 2001, letter from Charles E. Loops, D.V.M. concerning his delivery of veterinary services. The Executive Director is to inform Dr. Loop of the practice facility name requirement, the requirements of a mobile practice facility, the definition of the veterinary-client-patient relationship, and inform him that an inspection of his facility is required.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

The Committee on Investigations Number 8, practice facility inspections committee, reviewed the inspection of Yadkin Veterinary Hospital, owned by Roger R. Holt, D.V.M., with the Board. It was the Committee's recommendation that Dr. Holt be given until December 15, 2001, to correct the violations of the minimum facility and practice standards identified during the inspection of August 30, 2001. If the facility does not meet the standards at that time, it is to be closed. Further, the consent order with Dr. Holt for this facility be terminated, based on a breach of item 10 of the consent order. Dr. Brooks made a motion to accept the Committee's recommendation. Dr. Marshall seconded the motion. The motion passed unanimously

Angela S. Waldorf, Esq., consultant with the North Carolina Department of Labor, Apprenticeship and Training Bureau, gave the Board a powerpoint presentation. She discussed with the Board the possibility of utilizing apprenticeships to train veterinary technicians. Individuals who complete the program would be eligible to sit for examinations and become registered as a veterinary technician.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

The Board reviewed the consent order with M. W. Midyette, D.V.M. and his veterinary practice facility Bladen Animal Hospital. The facility is to be reinspected by Dr. Turner. Pictures of the items relating to the Consent Order should be taken during the inspection. Following the inspection, the Executive Director is to write to Dr. Midyette and inform him that the Board is considering terminating the Consent Order. Dr. Midyette should respond, in writing, within ten days of receiving the letter from the Board. The Committee on Investigations No. 8 will review the response. Dr. Brooks made this motion. Dr. Marshall seconded the motion. The motion passed unanimously.

The Board reviewed the consent order with James E. Brown, D.V.M. and his veterinary practice facility. The facility is to be reinspected by Dr. Turner. Pictures of the items relating to the Consent Order should be taken during the inspection. Following the inspection, the Executive Director is to write to Dr. Brown and inform him that the Board is considering terminating the Consent Order. Dr. Brown should respond, in writing, within ten days of receiving the letter from the Board. The Committee on Investigations No. 8 will review the response. Dr. Lewis made this motion. Dr. Brooks seconded the motion. The motion passed unanimously.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

The regular meeting of the Board adjourned at 12:30 P.M. for lunch.

The regular meeting of the Board reconvened at 1:00 P.M.

Dr. Justus made a motion that the Legislative Committee, or member of, meet with the North Carolina Veterinary Medical Association Legislative Committee to discuss revisions to the veterinary practice act. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board discussed possible content of the next President's letter. Possible topics included the use of caps, masks and gowns, the art of the physical exam, credentials of consultants, medical records and how mobile units reflect the veterinary profession. It was the consensus of the Board to send two letters in the same manner as last year. The first will be a short two-page letter sent in a separate mailing and the second will be sent with the renewal forms and will contain a summary of the last year's complaints. No further action was taken. The Executive Director is to contact the Ontario Veterinary Licensing Board for information on their voluntary medical record review panel.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

Dr. Lewis made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3), to discuss a suit filed against the Board by Ms. Karen Keltz. Dr. Padgett seconded the motion. The motion passed unanimously. At 1.20 p.m., the Board entered into closed session.

The regular session of the Board Meeting reconvened at 1:30 p.m.

The Executive Director reported on the letter to Mr. John Brochu that was sent on October 23, 2001. No further action was taken.

The Executive Director reported on the letter to Kathleen J. Nazar, D.C. that was sent on October 23, 2001. No further action was taken.

The Executive Director distributed a copy of the letter received on October 31, 2001, from Annie Moore, Office Manager of Coastal Cat Clinic. The Executive Director is to acknowledge the receipt of the letter. No further action was taken.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

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

The Executive Director was directed to inquire with Mr. Frank Eagles, of State Motor Vehicles about the Board using a state owned vehicle.

Report of Committee on Investigations No. 1

- 01023-2-1 Dr. Kevin Monce, (Complaint by the Board) –
Disciplinary action; Letter of Caution.
- 01030-1-1 Dr. E. Max Sink, Dr. Tonya Lin Tanner,
(Complaint by Mr. Harold Hancock) – Dismissed,
no probable cause.
- 01033-1-1 Dr. James G. Schmunk, (Complaint by Mr. & Mrs.
Wesley Davis) – Disciplinary action; Letter of
Reprimand.
- 01039-1-1 Ms. Juliane Reed, R.V.T., (Complaint by the
Board) – Disciplinary action; Letter of Reprimand.
- 01035-1-1 Dr. Jeffrey Todd Denny, (Complaint of Ms. Lesa
Hicks and Ms. Kelly Reynerson) - Continued.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

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

- 01028-1-7 Dr. Ronald C. Myres & Dr. Barbara Jo Pepin,
(Complaint of Ms. Patricia Zumkehr) – Dismissed,
no probable cause.
- 01008-1-7 Dr. Thomas Charles Schell, (Complaint of Dr. &
Mrs. Tomas Vybiral) – No response from client,
dismissed, no probable cause.
- 01024-1-7 Dr. Jeffrey A. LaCroix, (Complaint of Ms. Harold
Hancock) – Dismissed, no probable cause.
- 01032-1-7 Dr. Roy Douglas Cope, Jr., (Complaint of Ms. Lea
Ann Hamilton) – Disciplinary action, Letter of
Caution.
- 01031-1-7 Dr. Margaret Pressley, (Complaint of Ms. Carol
Morgan) – Dismissed, no probable cause.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

01036-1-7 Dr. Sandra Jean McAvoy, (Complaint of Ms. Mary Mataro) – Disciplinary action, Letter of Caution.

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

The Board discussed Vetsound, Inc. and the delivery of veterinary services. No further action was taken.

Dr. Justus made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(6), to consider the qualifications of Mr. Terry M. Newell for the new Board office position of investigator. Dr. Padgett seconded the motion. The motion passed unanimously. At 3:10 p.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 3:45 P.M.

Dr. Jeffrey Sands appeared before the Board at 3:50 p.m. to request a veterinary license pursuant to General Statute 90-187.3(a1). He presented

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

the Board with an additional affidavit. The Board informed Dr. Sands that he still needs to provide the Board with one more affidavit. Following the receipt of that affidavit, the Board will reconsider his application. No further action was taken. Dr. Sands left the meeting at 4:05 p.m.

The Board continued their discussion of Vetsound, Inc. The Board took no further action.

The Board discussed the proposal made by Angela S. Waldorf, Esq. While the Board was of the opinion that an apprenticeship program could be a way to further enhance the veterinary profession, it could not be used as a method of training that would allow for the registration as a veterinary technician. The Board would not be opposed to using an apprenticeship program to train veterinary assistants.

The Board discussed Swine Veterinary Services, a veterinary practice facility of Fred L. Cunningham, D.V.M. The Board determined that a veterinarian-client-patient relationship exists and that the facility should be inspected as it has in the past.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

The Board reviewed the continuing education request from Kristen Lynn Hibbetts, D.V.M. She has requested seven hours of continuing education credit for critical care review sessions that she has been attending under the guidance of Dr. Bernie Hansen at North Carolina State University, College of Veterinary Medicine. Dr. Lewis made a motion to approve the request. Dr. Padgett seconded the motion. The motion passed unanimously.

The Board discussed a letter received from R. L. Adams, Esq. and a stack of business cards he saw at Cowboy Cove Western Store and Arena in Linden, North Carolina. He provided a copy of one for the Board's review. The card said, "Doug Van Cleave – Equine Dentist." The Board directed the Executive Director to send Mr. Van Cleave an information letter stating that equine dentistry is considered the practice of veterinary medicine in North Carolina.

As part of the decision of the Administrative Hearing against Dr. Lemay, he was required to submit ten medical records, quarterly for review by the Board. The Board reviewed those records and directed the Executive Director to request that Dr. Lemay submit current records of current cases.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 1, 2001**

These records will be reviewed by the Committee on Investigations Number 7.

On a motion by Dr. Brooks, 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. Marshall and seconded by Dr. Brooks at 4:30 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director