

**MINUTES, North Carolina Veterinary Medical Board  
Raleigh, North Carolina, November 3, 2010 & November 4, 2010**

On November 3, 2010, President Linwood Jernigan, D.V.M. called the regular meeting of the North Carolina Veterinary Medical Board to order at 4:19 p.m. In attendance were the following Board members: Drs. Michael Davidson, Kim Gemeinhardt, Richard Hawkins, David Marshall, and Dante Martin; Mrs. Nancy Robinson, 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. Jernigan reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement regarding recognizing and avoiding conflicts of interest.

On motion by Dr. Marshall, seconded by Dr. Davidson, the minutes for the August 24 and 25, 2010 meetings were approved.

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

Dr. Davidson initiated a discussion about Mr. Hearn communicating with the veterinarians/registrants and complainants of the dispositions of

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complaints that have been dismissed prior to the preparation of the formal letter explaining the reasons dismissing the complaint. Mr. Hearn and Mr. Mickey will review and draft a proposal for communicating with the doctors and clients for review at the next meeting.

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. Mrs. Robinson made a motion, seconded by Dr. Hawkins, to accept the report. Dr. Hawkins seconded the motion.

The meeting recessed at 5:45 p.m. and reconvened at 6:25 p.m.

Dr. Davidson and Mrs. Robinson presented draft language for statutory and administrative rule revisions concerning registered veterinary technicians. The Board discussed the draft language, and offered comments, recommended additional revisions.

The meeting was adjourned at 7:55 p.m. by motion of Mrs. Morgan and seconded by Dr. Martin.

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On November 4, President Linwood Jernigan, D.V.M., called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:00 a.m. In attendance were Board members: Drs. Michael Davidson, Richard Hawkins, Kim Gemeinhardt, David Marshall, Dante Martin; Mrs. Nancy Robinson, R.V.T.; and Mrs. Katie Morgan. Also present were Board Attorneys, Mr. George Hearn and Mr. Lee Craven, and Executive Director, Mr. Thomas Mickey.

Dr. Jernigan reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement regarding recognizing and avoiding conflicts of interest.

At 8:05 a.m., Warren Pendergast, M.D., Medical Director of the North Carolina Physicians Health Program (NCPHP) and Joseph P. Jordan, PhD, joined the meeting. Dr. Pendergast presented an update of the status of the North Carolina Veterinary Health Program (NCVHP) since the last Board meeting. Dr. Jordan presented information on a whole blood assay that identifies a new alcohol biomarker, phosphatidylethanol (PEth), for detecting ethanol abuse. PEth is considered the most specific clinical

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alcohol biomarker available today. Dr. Jordan also explained that, in addition to hair testing, fingernail testing is an emerging option for testing for controlled substances. It provides a 90-day window for detection of substance abuse. After a question and answer period with the Board, Dr. Pendergast and Dr. Jordan left the meeting at 8:25 a.m.

The Board continued its discussion from the last meeting concerning an issue raised by Joseph K. Gordon, D.V.M., of Raleigh and former President of the Veterinary Medical Board. The Board reviewed the opinion of NC Board of Pharmacy Executive Director, Jack W. Campbell IV, that veterinarians cannot legally dispense medications prescribed by another veterinarian. At Dr. Gordon's request, the Board reviewed 21 NCAC 46 .2505, a rule adopted by the NC Board of Pharmacy entitled, Veterinary Prescription Drugs. The Board determined a veterinarian who works in the same physical location as the prescribing veterinarian may dispense medicine prescribed by that veterinarian. Mr. Hearn will prepare a letter for review at the next Board meeting communicating this information to Dr. Gordon and informing him that the Board is working on statute and rule changes to address veterinary prescription issues. As part of the discussion,

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Dr. Michael Davidson reported that Roadrunner Pharmacy is not licensed in North Carolina.

The meeting recessed at 9:05 a.m. for a break and reconvened at 9:18 a.m.

Dr. Hawkins reported on his and Mr. Mickey's attendance at the September 16 – 18, 2010, American Association of Veterinary State Boards' annual meeting in Baltimore, MD. No other action was taken.

The Executive Director reported the decision of the Executive Board to offer the Veterinary State Examination to House Officers at the North Carolina State University College of Veterinary Medicine. As a courtesy, the Board will administer one Veterinary State Examination for House Officers per year. If an individual fails the examination the doctor will be allowed to sit for the next regular State Examination offered, provided space is available. A new House Officer who misses the examination for House Officers will be allowed to sit for the next regular State Examination offered, provided space is available. A House Officer who passes the State Examination, will be allowed to use that passing score for a regular

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veterinary license, provided he/she applies for a regular license while in possession of an active faculty certificate. Dr. Davidson reported that a House Officer who fails the State Examination will be denied hospital privileges until such time that they pass a State Examination. The Board will be pursuing a change to the administrative rules that would make this courtesy examination a requirement for a faculty certificate.

Upon a motion by Mrs. Robinson, seconded by Dr. Hawkins, the Board approved the actual expenses for this meeting. The motion passed unanimously.

Dr. Martin made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3), to discuss litigation filed by Mr. Joseph Barr. Mrs. Morgan seconded the motion. The motion passed unanimously. At 9:53 a.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 10:45 a.m.

The Board set additional meeting dates for 2011 to be April 1, June 10, August 11 and November 3.

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Because of scheduling conflicts, the administrative hearing involving Dennis K. Johnson, D.V.M., has been rescheduled for February 17 and 18, 2011.

The meeting recessed at 11:10 a.m. for a break and reconvened at 11:20 a.m.

Report of Committee on Investigations No. 5

- 2010039-5 **Matthew Garvin Powers, DVM** (Southwoods Animal Hospital) – Mr. Jimmy Holyfield | *Dismissed - no probable cause.*
- 2010041-5 **Amy Elizabeth Miller, DVM** (Cabarrus Emergency Veterinary Clinic) – Ms. Kary Love | *Dismissed - no probable cause.*
- 2010037-5 **Todd Matthew Skeen, DVM** (Carolina Veterinary Specialists Referral Animal Hospital) – Mr. & Mrs. Charles Shields | *Dismissed - no probable cause.*
- 2009034-5 **Barrett O. Welch, DVM** (Animal Hospital of Nags Head) – Mr. Lawrence Horne & Ms. Shirley Dubay | *Letter of Caution (second).*

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The meeting recessed at 12:09 p.m. for a break and reconvened at 12:53 p.m.

2009038-5 **Amanda Ardente, DVM & Rae Hutchins, DVM**  
(NCSU, CVM) – Mr. & Mrs. George Michaels |  
*Dr. Ardente, Dismissed - no probable cause*  
*(reconsidered); Dr. Hutchins, Letter of Caution*  
*(reaffirmed).*

Upon motion by Dr. Marshall, seconded by Dr. Gemeinhardt, the Board approved the report of Committee on Investigations No. 5, with Dr. Davidson recusing himself from the vote on complaint number 201038-2 (Amanda Ardente, DVM and Rae Hutchins, DVM)

Report of Committee on Investigations No. 9

2009048-9 **Daniel Henry Johnson, DVM** (Avian & Exotic Animal Care) – Mrs. Susan Thomas Mata |  
*Dismissed - no probable cause.*

2010040-9 **Bruce S. Poland, DVM & Jacob Andrew Mireles, DVM** (Walkertown Veterinary Hospital) – Ms. Lana Fulbright | *Dr. Poland, Letter of*



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*Caution; Dr. Mireles, Dismissed - no probable cause.*

2010042-9 **Deborah A. McArthur-Wicks, DVM** (Surf City Pet Hospital) – Ms. Erika Kall | *Dismissed, no probable cause.*

2010036-9 **Sean Michael Ellison, DVM** – Mr. William Robert Prevatte | *Continued.*

2010044-9 **Eugene Upshaw, Jr., DVM** (Burlington Road Animal Hospital) – Ms. Rosalyn Oldham | *Dismissed - no probable cause.*

Upon motion by Dr. Martin, seconded by Dr. Hawkins, the Board approved the report of Committee on Investigations No. 9.

Upon motion of Mrs. Robinson, seconded by Dr. Martin, the Board adjourned the meeting at 2:00 p.m.

Respectfully Submitted,

Thomas M. Mickey  
Executive Director