

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, November 8, 2018**

At 8:00 a.m., President William K. Dean, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. Present were the following Board members: Drs. Kent Dean, Susan Bull, Kim Gemeinhardt, Douglas Meckes, Ronald Komich, and Robin Lazaro, RVT, and Mrs. Krissie Newman. Also present were Board Attorney, George Hearn, and Executive Director, Dr. Tod J. Schadler, and Jeffrey Tyrrell, NCSU-CVM student liaison to the Board. Dr. Azure Holland was absent.

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

The following guests were introduced: Steven Marks, BVSc, Associate Dean, North Carolina State University College of Veterinary Medicine, Jennifer Shults, DVM, President-Elect of the North Carolina Veterinary Medical Association (NCVMA), Claire Holley, Executive Director, NCVMA, Carrie Fellows, RVT, Dante Martin, DVM, Vice President, NCVMA, and Amy Trey, student from Cornell University.

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The September 6, 2018 Board meeting minutes were reviewed. Dr. Bull, seconded by Dr. Meckes, moved to approve the September 6, 2018 Board minutes. The minutes were approved unanimously.

Dr. Joseph Jordan, CEO of NCPHP, gave an updated report on participants in their program. Dr. Jordan, along with Dr. Schadler, continue to work on the proposed impairment definition amendment for the Practice Act. Natalie Young, PharmD and Director of Realo Veterinary Pharmacy and Dr. Jordan presented “Drug Intervention in the Workplace: What to Do?” and “Recognizing Substance Abuse in Your Workforce” at the 23rd Annual North Carolina Veterinary Conference. Dr. Jordan plans to make a video of this presentation to be available on the NCPHP website for continuing education for the 2020 renewal cycle for veterinarians and technicians. Dr. Jordan left the meeting at 8:20 a.m.

Dr. Meckes gave a brief update on the WEG games. The endurance course was only 55 miles but was cancelled midway during the event due to weather conditions. All the other events scheduled went well.

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Dr. Meckes met with FEMA to ask for assistance during Hurricane Florence in September. The hurricane required many animals to be moved to safe areas and it caused many crops to be destroyed. Out of the 3300 hog lagoons in North Carolina, only one broke down, 5 had partial breakdowns, 33 overflowed, and 10 had rain water overflow. This is in contrast to the fact that 65 million gallons of raw sewage from municipal waste water treatment plants overflowed.

Dr. Meckes also reported the concern about African Swine Fever, which is present in wild and/or domestic pigs in regions of Asia, Europe, and Africa. Currently there is no approved vaccine for African Swine Fever. This disease can be spread by pigs; live, dead, domestic, feral, or by-products. Transmission can also occur via contaminated feed and fomites such as shoes, clothes, vehicles, knives, equipment, etc.

At 8:43 a.m. the Legislative Committee gave an update on the proposed administrative rule for Facility Permits. Dr. Schadler and Mr. Hearn had an informal meeting with Amanda Reeder, attorney for Administrative Hearings, Rules Review Commission. It appears that the proposed language will need to be in the form of an amendment to The

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Practice Act rather than an administrative rule. Work will continue on the proposed language utilizing Ms. Reeder's suggestions.

Dr. Gemeinhardt made a motion to proceed legislatively with the proposed "Impairment Definition". Dr. Bull seconded the motion which passed unanimously.

Dr. Bull and Mrs. Lazaro continue to work on proposed changes to wording in the Practice Act regarding Registered Veterinary Technicians.

Dr. Komich gave an update on Telehealth/Telemedicine. The Board had a discussion on Veterinary/Client/Patient/Relationship as applied to Telehealth/Telemedicine.

The Board asked Dr. Schadler to discuss with the Board of Pharmacy rules and regulations regarding veterinary prescriptions.

Mr. Hearn has completed 44 closing letters for complaints since January 2018. There are 8 pending cases.

The Federal trial for Dr. Paula Bullock has been postponed until February 29, 2019.

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Dr. Bull moved to extend the Summary Emergency Order that was issued to Paula Bullock, DVM on August 6, 2018, pending the resolution of the hearing on the Notice of Hearing issued for complaint no. 2018027-1. Dr. Gemeinhardt seconded this motion and was approved unanimously. Dr. Dean will sign the extended Summary Emergency Order.

At 9:42 a.m. Jeffrey Tyrrell, Student Liaison from North Carolina State University – College of Veterinary Medicine (NCSU-CVM), reported that he was unable to attend the AAUSB Conference due to Hurricane Florence. He continues to reach out to all students and is still trying to coordinate a lunch at the school with a speaker. The January 2019 NCVMB meeting will be held at NCSU-CVM. Dr. Steven Marks suggested that members from the NCVMB attend the NCSU-CVM Board meetings. Mr. Tyrrell is working with Mrs. Lazaro on getting applicants for the Student Liaison position for next year.

At 9:55 a.m. the Board took a break and reconvened at 10:18 a.m.

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Dr. Schadler reported on the number of applicants for veterinarians and registered veterinary technicians since January 2018. An email was sent to all veterinarians and technicians that the renewal window will open on November 15, 2018 along with the new requirement of two hours of continuing education concerning controlled drugs for the 2020 renewal. This message was also put on the Board's website and Facebook page.

Janice Schoew and Dr. Schadler tested the online State and Provincial Assessments (SPA) test site. The North Carolina Veterinary State Examinations will be available online starting January 1, 2019.

The planned meeting between North Carolina Department of Agriculture and Consumer Services representatives and NCVMB representatives concerning surgery areas in shelters has been delayed because of the Department's duties necessitated by Hurricane Florence. The meeting will be scheduled in December 2018.

The NCVMB Executive Committee and Dr. Schadler met with Mr. Thomas Sullivan, Executive Director of N.C Board Chiropractic Examiners.

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A member of that Board also was present. The Chiropractic Board offered its ideas regarding the NCVMB allowing chiropractors who are certified by the American Veterinary Chiropractic Association to work independently on animals without veterinary supervision. The response of the NCVMB was that chiropractors can only work on animals if they are employed by a veterinarian. Chiropractors are not allowed per the Veterinary Practice Act to practice veterinary medicine. Another meeting will be scheduled with the Executive Director of Chiropractic Medicine.

Dr. Gemeinhardt, seconded by Dr. Bull, made a motion for Dr. Schadler to seek bids for an auditor for the 2018-19 fiscal year. The motion passed unanimously.

All Board members will be issued a 1099 for the 2018 tax year. They will be required to fill out W-2s for the tax year 2019 (for their per diem only).

Suite 105 has had only one showing to date to a prospective purchaser. Quotes for flooring on suite 106 will be available at the next meeting.

Dr. Schadler reported about learning of a lay person who was advertising veterinary services. This individual obtained a certificate online

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that the individual thought allowed her to legitimately practice veterinary medicine. The individual has been informed of the provisions of Veterinary Practice Act and, as a result, has removed these advertisements.

At 11:15 a.m. Dr. David Marshall, Chief Inspector, introduced Dr. Nicolette Peer and Dr. Joseph Wright to the Board. Between September 1 and November 6, 2018, the inspectors completed 218 inspections of permanent and mobile facilities. The inspectors are paperless now, using only the iPads in the field to record the inspections and to take pictures.

The inspectors categorize violations. If a violation is determined to be serious, the facility will be re-inspected within six months and charged for a second inspection. If it is only a minor violation, the facility will remain on the regular inspection timetable.

Dr. Marshall made a list of facilities that were in the flood areas in North Carolina and has been visiting these sites.

All the inspectors attended the recent North Carolina Veterinary Conference and manned the NCVMB booth, answering questions from attendees.

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Dr. Schadler thanked the inspectors and Keith West for all their hard work this past quarter.

At 11:46 a.m. the Board meeting continued during a working lunch.

There was a discussion about N.C. Administrative Code section 21 NCAC 66 .0208, Facilities Providing Limited Veterinary Services. The Board discussed the requirement that these facilities must list services they do not offer to the public. Mr. Hearn and Dr. Schadler will draft a letter, which will be reviewed and approved by the Board and the inspectors that will be sent to limited facilities providing services, including mobile facilities, to remind the owners/operators of the Rule's requirements.

Committee on Investigations No. 7 presented a Consent Order to resolve complaint no. 2018008-7 against Dr. Michele Ewing. The Consent Order had previously been signed by Dr. Ewing. Following discussion, a motion to approve the Consent Order and for Dr. Dean to sign it was made by Dr. Bull and seconded by Mrs. Newman. The motion was approved unanimously.

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Report of Committee on Investigations No. 7

- a. 2018032-7 Rudi Richmand, VMD (Animal Emergency & Trauma Hospital of Wilmington) – Mr. Dennis Gan - Dismissed, No Probable Cause
- b. 2018034-7 Sarah Kridler Carroll, DVM (Craven Animal Hospital) – Ms. Cathy J. Bratcher – Dismissed, No Probable Cause
- c. 2018016-7 David E. Brooks, DVM (Pembroke Veterinary Hospital) – Ms. Grace Holden – Letter of Caution
- d. 2018035-7 Johnny Kenneth Rhea, DVM (Buies Creek Veterinary Hospital) – Mr. Marc C. Gettleman, Sr. – Dismissed, No Probable Cause
- e. 2018030-7 Dennis Lowell Golden, DVM and Jennifer Diane Sim, DVM (Animal Hospital of North Asheville) – Pamela Branning, MD – Dismissed, No Probable Cause
- f. 2018025-7 Amy Kristen White, DVM (Animal Emergency & Trauma Hospital of Wilmington) – Ms. Sandra Fritz – Dismissed, No Probable Cause
- g. 2018037-7 Natalie Morris Shelton, DVM (Neuse Veterinary Clinic) – Mr. William Biddle and Mrs. Lynn Biddle - continued

Dr. Bull made a motion, seconded by Dr. Gemeinhardt, to approve the report from Committee on Investigations No. 7. Dr. Gemeinhardt recused herself from the Board's discussion of the Committee's report and the

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Board's vote on complaint 2018030-7. The report from Committee 7 was approved unanimously.

Report of Committee on Investigations No. 1

- a. 2018028-1 Michael Jay Stewart, DVM (Five Oaks Animal Hospital) – Mr. Kenneth James Mercer – Dismissed, No Probable Cause
- b. 2018029-1 Regina L. Sanders, VMD (Purr & Bark Veterinary Hospital) – Ms. Susan M. Levine – Dismissed, No Probable Cause
- c. 2018036-1 Mary A. Burkart, DVM (Roanoke Island Animal Clinic) – Mr. Edward Danko – Dismissed, No Probable Cause
- d. 2018031-1 Kimberley Saline Barth, DVM (ECVETS) – Ms. Kimberly Summerlin – Dismissed, No Probable Cause
- e. 2018039-1 Richard Donald Metcalf, DVM (Tryon Equine Hospital) – Ms. Cindy Van Wyk - Dismissed, No Probable Cause
- f. 2018033-1 Christi Renee Hall, DVM and Swen Thomas Samoska, DVM (After Hours Veterinary Emergency Clinic) – Ms. Lourdes Verdejo - Dismissed, No Probable Cause

Dr. Meckes made a motion, seconded by Dr. Gemeinhardt, to approve the report from Committee on Investigations No. 1. The report from Committee 1 was approved unanimously.

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Committee on Investigations No. 1 reported that it had reconsidered part of its decision on complaint 2017006-1. Upon reconsideration, the Committee changed the discipline of Dr. Bass from a Letter of Reprimand to a Letter of Caution. The report was approved by the Board.

Dr. Gemeinhardt, seconded by Mrs. Newman, made a motion to approve expenses. It was approved unanimously.

The March 7, 2019 Committee Meeting date for Committee 7 has been changed to March 12, 2019 at 9:00 a.m.

The Board having no further business, a motion to adjourn made by Dr. Gemeinhardt, seconded by Mrs. Newman, passed unanimously. The meeting adjourned at 5:00 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM
Executive Director