

# NORTH CAROLINA VETERINARY MEDICAL BOARD

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November 30, 1998

### PRESIDENT'S LETTER

TO: All Licensed Veterinarians and Registered Veterinary Technicians

FROM: Kenneth R. Padgett, D.V.M., President

### PRESIDENT'S MESSAGE

It is customary for the Veterinary Medical Board to elect its officers each June for a one-year term. Joining me as officers for 1998-1999 are Dr. Joseph K. Gordon of Raleigh, Vice-President and Dr. Herbert A. Justus of Saluda, Secretary-Treasurer. As President of the Board, I solicit your ideas which can help me and the Board better fulfill our tasks. Please do not hesitate to call or write me.

I have served on the Veterinary Medical Board for over four years. With each passing year I believe more strongly in its statutory mission. From time to time I will meet a veterinarian who does not fully understand the distinction between the Veterinary Medical Board and the N.C. Veterinary Medical Association (NCVMA). Of course, the Board, established by the N.C. General Assembly, is a statutory occupational licensing board which exclusively regulates veterinary medicine in this State. The NCVMA is a voluntary professional association, organized as a non-profit corporation to further promote the professional activities of its members. It is not unusual for the Board office to receive more than a few letters, telephone calls and dues renewal checks intended for the NCVMA. We understand that the Association routinely receives license renewal forms and checks that should have been sent to the Board. While noting these might seem humorous, the underlying serious point is that licensees and registrants need to be fully aware of the function of the Veterinary Medical Board.

Recent Board investigations disclose that a number of veterinarians have forgotten certain fundamental requirements of the Practice Act and Board Rules. Examples include failing to obtain an inspection prior to opening a practice facility; failing to comply with minimum health and sanitary requirements; and failing to obtain a temporary permit certificate for that recently-employed veterinary medical school graduate while he or she is awaiting test results or other aspects of full licensure. There are obvious practical, public health and safety reasons for the initial inspection

requirement. A facility cannot legally operate without passing the inspection. The policy underlying the health and sanitary mandates are likewise obvious. (In fact, in 1999 the Board will continue to evaluate and improve its facility inspections criteria.) Finally, with respect to licensure, as knowledgeable as a recent graduate of veterinary medical school may be, he or she simply cannot practice veterinary medicine without being licensed. In certain specific situations, this graduate can qualify for a temporary permit certificate. Nevertheless, no veterinary practice is legal or permissible unless and until such a temporary permit certificate is granted. This does not mean practicing veterinary medicine is legal upon application for the permit. It is only legal upon issuance of the temporary permit certificate.

In last year's President's Letter, Dr. David Brooks called our attention to the critical importance of accurate communications with clients, especially between staff and clients. What Dr. Brooks wrote is as timely today as it was in 1997, and I recommend that each of you read it again. An equally important area of communication is that between you and your fellow veterinarians.

We all know that professionalism must be the cornerstone of our communications with veterinary colleagues. Some of us at times simply forget to practice professionalism. Perhaps no one definition can capture all aspects of professionalism in communications, but I believe its elements include courtesy, respect, honesty and fairness. A typical communication might be as simple as your prompt response to a request for medical records from a fellow veterinarian who is now treating one of your former client's animals. Or, it might be more complicated, as for example when you are presented with a new client asking your opinion about treatment performed by a colleague in the community, who was the client's former veterinarian. Some veterinarians may determine that they have sufficient information to give an opinion upon the examination of the animal, without reviewing the records or talking with the veterinarian. Others might feel it more appropriate and more consistent with professionalism to first obtain medical treatment facts from the colleague. I have observed that often clients misunderstand certain aspects of treatment. Sometimes when a client is dissatisfied with that treatment, they look to other veterinarians to confirm their opinion about the dissatisfaction. The opinion you render in such a situation may or may not be accurate, but accurate or not, it usually will find its way back to your colleague. This roundabout chain of communications can result in unintentional slights and hard feelings between that veterinarian and you which might be avoided with direct contact with your veterinary colleague. I am not suggesting any hard and fast rules about this, but I do think our interaction with colleagues carries professional obligations. If you are presented with such a request, consider whether you have all the facts when rendering an opinion.

Below, I pose and discuss a series of questions that I hope will aid you in a more complete understanding of the Veterinary Medical Board and its role.

***Can hiring a new veterinarian result in veterinary license discipline?***

Yes, if you as the owner of the facility allow him or her to practice without being licensed. Have you confirmed with the Board that the veterinarian you wish to employ is licensed in North Carolina? The Board office will check the status of a veterinary license for you. It will only take a moment of your time. Be careful. Since you may be held responsible if an employee engages in unlicensed practice, you cannot necessarily rely on the prospective employee's assurance that the license or temporary permit certificate is in order and complete.

A qualified applicant for a veterinary license can obtain a temporary permit certificate to practice veterinary medicine pending licensure. See G.S. § 90-187.4 and Rule .0305. The practice must be under the supervision of an employing veterinarian (or designated substitute supervisor). The employer must take responsibility to know that the temporary permit certificate has been issued prior to the applicant practicing veterinary medicine. Allowing the unlicensed practice of veterinary medicine could result in your veterinary license being disciplined. Plan ahead. It may take some time to get all the required paper work to the Board office and for the required temporary permit interview to be scheduled and take place. Discuss the need for a temporary permit certificate during the interview process. Do not wait until this individual is at your facility ready to work before applying for the temporary permit certificate. Once you offer the individual employment, he or she should immediately contact the Board office so that they will be able to go to work.

***Do your medical records "cut the mustard?" Can someone other than you read them? Would a colleague be able to pick up where you left off (without talking to you)? Can you review your medical records and know how you treated an animal two years ago?***

Not only are complete and accurate medical records required by the Board, they are essential part of your practice. Should you have to defend yourself against a complaint to the Board, complete medical records are a necessity. These records must include pertinent medical data, such as dates, types of vaccine and all medical and surgical procedures administered or performed on a daily basis. "If it is not written down it did not happen." As the Committees on Investigations review complaints, they are taking a close look at medical records. In some instances the Committees have disciplined veterinarians for inadequate medical records. Take a little extra time and prevent a problem before it occurs. Review the minimum recordkeeping requirements of Rule .0207(b)(12).

***Are you practicing veterinary medicine in an uninspected facility? Has your practice name been approved by the Board? Do you start cleaning about the time you anticipate an inspection by the Board?***

Practice facilities must be inspected and approved by the Board when there is a change of location, change of ownership or if the facility is new. This includes mobile and house call practices.

The Board continues to deal with practice facilities which have opened without having been inspected and/or the names of which have not been approved by the Board. You could be at risk for discipline for an uninspected facility/unapproved name violation.

Recent reports have shown that some practice facilities are not maintaining minimum standards between the dates of the regular Board inspections. The Board has increased its emphasis in this area. It is not only the Board that inspects your facility; your clients observe its appearance and odor as well. Review Rule .0207, the minimum facility and practice standards.

***Do your drug labels need a face-lift?***

All drugs dispensed must be labeled and comply with Rule .0207(b)(11)(B). Last year's President's Letter noted the requirements for the labeling of drugs. Once again I remind you that except for labeled manufactured drugs with instructions, all drugs dispensed shall be labeled with:

- (i) name, address and telephone number of the facility,
- (ii) name of client,
- (iii) animal identification,
- (iv) date dispensed,
- (v) directions for use,
- (vi) name and strength of the drug, and
- (vii) name of prescribing veterinarian.

Take a moment (right now) and examine what you are giving out to your clients. Does your label comply with the requirements? If not, make necessary changes immediately. Medications dispensed by you, without proper labeling, can easily be mistaken for something else, and could lead to tragedy. Do you want to get a call from an emergency room physician asking what medications you had dispensed?

***What happens to the Civil Monetary Penalties that the Board imposes?***

Effective October 1, 1993 the General Assembly granted the Board the authority to impose civil monetary penalties of up to \$5,000.00 for violations of the Veterinary Practice Act. On May 1, 1996, amendments to the administrative rules of the Board further clarified the instances in which civil penalties could be imposed. Penalties can be imposed on final decisions, orders, consent orders and letters of reprimand. Letters of caution are excluded. See Rule .0601(m). The sums collected are forwarded to the Office of the State Treasurer, which distributes them by law to the school system in the county where the discipline incident arose.