

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, March 9, 2017**

At 8:00 a.m., President Kim D. Gemeinhardt, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. In attendance were the following Board members: Drs. William K. Dean, Jane A. Barber, Susan K. Bull, R. Douglas Meckes, Robin Lazaro, RVT, and Mrs. Newman. Also present were Board Attorney, Mr. George Hearn, Executive Director, Mr. Thomas Mickey, and Deputy Director, Dr. Tod Schadler.

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

The January 12, 2017, Board meeting minutes, upon motion by Dr. Bull and seconded by Dr. Dean, were approved.

Dr. Gemeinhardt introduced new Board member, Mrs. Newman.

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Dr. Gemeinhardt recognized North Carolina Veterinary Medical Association (NCVMA) President, Dr. Tom Kuhn and Executive Director Claire Holley who, in turn, introduced: Dr. Chessie Green, past NCVMA President; Dr. Jennifer Jones Schultz; Dr. Brenda Stevens; Dr. Diana Dunning; past NCVMA Presidents and current AVMA delegates Dr. Karen Davis and Dr. Phil McHugh, and NCVMA attorney and lobbyist, Jon Carr.

Dr. Gemeinhardt opened a discussion of the Board's proposed amendments to Board Rule 21 NCAC 66.0206. The amendments would include changing the requirements for obtaining continuing education (CE) credits by allowing the annual credit hours required for license or registration renewal to be obtained through materials and media in lieu of attendance at approved seminars and meetings, although credits for attendance at seminars and meetings would still remain in the Rule. The NCVMA and others through correspondence and other communications had stated objections prior to and at the meeting to allowing more than 10 of the 20 hours required of licensees annually to be obtained by means other than attendance at approved seminars and meetings.

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Following its January meeting, the Board had filed the proposed draft amendments to Rule .0206 with the Office of Administrative Hearings (OAH) for consideration by the Rules Review Commission (RRC). Dr. Dean made a motion, seconded by Dr. Bull, to reopen the discussion on the proposed amendments to Rule .0206 as filed with the OAH. The motion passed unanimously. Mr. Mickey explained the rulemaking process and that the proposed amended Rule was being reviewed by the RRC. Dr. Dean made a motion, seconded by Ms. Lazaro, to stop the rulemaking process and file a formal withdrawal of the proposed Rule .0206 amendments with OAH. The motion passed unanimously. The Board directed Mr. Mickey and Mr. Hearn, with review by Dr. Schadler, to prepare a revised draft of proposed Rule .0206 amendments that would incorporate suggestions from the NCVMA as well as proposed wording offered by Dr. Gemeinhardt during the discussion. The suggestions and new wording would limit to 10 the number of CE credit hours that could be obtained for annual renewal by methods other than attendance at approved seminars and meetings.

Dr. Dean made a motion, seconded by Dr. Meckes, that following the Board's review of the revised draft of Rule .0206 to be developed by staff,

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the draft be shared with any interested party so comments might be presented to the Board for its consideration before finalizing the draft. The motion passed unanimously.

At 9:05 a.m. the Board recessed for a break, reconvening at 9:12 a.m.

Representatives of the NCVMA were recognized for a discussion of drafts of two proposed legislative amendments to the Practice Act:(1) the first would permit certain surgical procedures on animals at shelters and similar organizations if the surgery is performed by a veterinarian licensed by the Board, and if the Board, through inspecting, confirms that the facility meets the minimum health and sanitary requirements imposed by Board rule on veterinary facilities; (2) the second would address aspects of telemedicine and amend part of the definition of “veterinary-client-patient relationship.”

At 10:00 a.m. Shelton Hawley, CPA and Lauren Hawley, CPA presented information and answered questions about the annual audit that their firm conducts of the Board’s finances. They discussed audit procedures and the information and documents they requested from Mr.

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Mickey to complete the audit. They answered questions from the Board about various aspects of the audit.

The Board recessed at 10:45 a.m. for a short break and reconvened at 10:53a.m.

Board Investigator, Ken Wheeler, gave his report.

A motion was made by Dr. Meckes, seconded by Dr. Bull, to go into closed session pursuant to N.C.G.S. §143-318.11(5). The motion passed unanimously. At 11:10 a.m., Ken Wheeler and Deputy Director, Tod Schadler, were excused from the meeting.

The closed session concluded and the meeting reconvened in open session at 11:45 a.m. Dr. Susan Bull made a motion, seconded by Dr. Meckes, to offer to purchase the office condominium adjacent to the Board's offices, which has been a location for the Let's Talk office, for the price of \$255,000.00 plus standard buyer's closing costs. The motion also provided that the staff and Board member negotiating the purchase are authorized to spend up to \$1,500.00 for unanticipated contingencies, if necessary. The motion passed unanimously.

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The Board adjourned for lunch at 11:51 a.m. and reconvened at 12:15 p.m.

Dr. Gemeinhardt gave the President's report. The strategic planning meeting was discussed. It was also decided that Mrs. Newman will attend the AAVSB new member training in May in Kansas City.

Mr. Hearn presented his attorney's report. He continues to write complaint decision closing letters and he continues to meet with the attorneys' occupational licensing board group to monitor legislation. That group will sponsor a third annual Best Practices seminar in April for occupational board officers and attorneys. Mr. Hearn plans to attend along with Dr. Gemeinhardt and Mr. Mickey. Mr. Hearn presented a contract between the Board and with North Carolina Physicians Health Program (NCPHP) for the period February 1 through March 31, 2017. It has been agreed to by NCPHP and needed approval by the Board. Dr. Meckes made a motion to sign the agreement and Dr. Dean seconded the motion. The motion passed unanimously. Dr. Gemeinhardt signed the contract. Mr. Hearn requested that the Board authorize him to draft an additional agreement to be submitted to NCPHP that would cover the period April 1,

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2017 through January 31, 2018. A motion was made by Dr. Meckes, seconded by Dr. Bull to authorize the preparation of this new agreement. The motion passed unanimously.

Mr. Mickey gave the Executive Director's report. As part of the report he noted that representatives from the Drug Enforcement Administration (DEA) and Department of Health & Human Services (DHHS) would be present at 1:30 p.m.

The Board recessed for a break at 1:15 a.m. and reconvened at 1:23 p.m.

At 1:30 p.m. representatives from the DEA, Bill Stockmann, and DHHS, John Womble, presented information, answered questions, and discussed with the Board issues relating to the disposal and prescribing of drugs, drug records, dispensing information and mobile unit guidelines. The presentation concluded at 2:45 p.m.

At 3:00 p.m., Dr. Gemeinhardt directed the Board's attention to a report from the NCVHP that gave statistics and progress. NCVHP is

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planning a workshop in April in conjunction with the NCVMA on the subject of “stress and burnout”. NCVHP has several other projects in the works. The discussion ended at 3:12 p.m.

Deputy Directory, Tod J. Schadler, DVM, gave his report. There was discussion on temporary permit forms, but Dr. Bull motioned to table further discussion for the time being and Robin Lazaro, RVT seconded. The motion passed unanimously. Dr. Bull also moved to table discussion of revisions to applications until the next Board meeting. Dr. Dean seconded and it passed unanimously. Dr. Schadler presented a definition of “lock box” for controlled substances. The definition is, “secured in a substantially constructed cabinet under lock at all times.” The new practice inspection form was discussed and approved for immediate use after two corrections are made. Dr. Schadler announced the implementation of a Regulatory Bulletin that will discuss issues in the veterinary profession. The Bulletin will be delivered electronically every three months.

Dr. Meckes and extension agents discussed the Equestrian Games coming to North Carolina and the number of interstate and out of the country veterinarians that will be attending, along with NC veterinarians. Those not

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licensed by the Board will need temporary permits. These games will be held in Tryon and there will be 845 equine athletes attending.

There was a motion by Dr. Barber to proceed with the periodic review of rules and start the public comment period. Ms. Lazaro seconded. The motion was passed unanimously.

Melissa Oglesbee, RVT, requested by letter, that the Board grant her an extension of time to obtain her CE credits for registration renewal as she has been very sick with a brain tumor. Dr. Meckes made a motion to grant the extension for six months and Dr. Bull seconded. The motion passed unanimously.

Dr. Gemeinhardt reported that Senator Trudy Wade has asked the Board to not oppose SB 196 that excludes horseshoeing from the practice of veterinary medicine; and it provides for a study of veterinary pharmaceutical compounding agents.

At 4:14 p.m., Dr. Bull made a motion, seconded by Dr. Barber to go into closed session pursuant to N.C.G.S. 143–318.11(6). The motion passed unanimously. At 7:00 p.m., the closed session concluded and the Board reconvened in open session. Dr. Bull made a motion to direct the President

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to follow through with what was discussed in closed session. Mrs. Newman seconded the motion and it passed unanimously.

Report of Committee on Investigations No. 1

2015039-1 **Melissa Bame Massey, DVM** (Alamance Countryside Mobile Veterinary Service) – Ms. Tina L. Brantley – Mr. Hearn presented for Board approval a Consent Order on behalf of Committee No. 1 signed by Dr. Massey on March 6, 2017; the Consent Order’s discipline is based in large part on her failures to obtain Board inspection and approval of her mobile facility and part of her residence before she used these facilities to practice veterinary medicine in 2015. She also is found to have acted incompetently in the practice of veterinary medicine by failing to promptly notify the complainant of the death of her dog, which had escaped from Dr. Massey’s custody. Dr. Massey’s license will be suspended for 37 months, with the first month – April 1 through April 30, 2017 – being an active suspension. Beginning May 1 the

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balance of the suspension will be stayed, and she is placed on probation. She is to pay a \$7500.00 civil monetary in monthly installments beginning May 1, 2017. A motion was made by Dr. Meckes to approve the Consent Order. Ms. Lazaro seconded the motion. It was unanimously passed. Dr. Gemeinhardt signed the Consent Order.

2016035-1 **Kelly J. Sigle, DVM** (Carolina Veterinary Specialists, Animal Emergency & Trauma Center) – Mr. & Mrs. Ronchetti – The Committee’s decision of LOC reported to the Board January 11, 2017 was reconsidered by the Committee and changed to No Probable Cause/Dismissal.

Ms. Lazaro moved to accept Committee No. 1’s report regarding Dr. Sigle. Dr. Meckes seconded the motion. It passed unanimously.

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Report of Committee on Investigations No. 5

2016029-5 **Sean Robert Allers, DVM; Dr. Lisa M. Pasquarello-**

Wyant; and Dr. Valerie Lydolph (North Mecklenburg

Animal Hospital) – Mr. Gary Evans and Paula Purvis –

This was reported at the November, 2016 meeting as No

Probable Cause/Dismissal. The complaint at the time

had been processed as only against Dr. Allers. At the

January 11, 2017 Board meeting, the Board agreed with

the Committee's request to have the complaint

investigation returned to it so that the investigation of Dr.

Pasquarello-Wyant and Dr. Lydolph, also named in the

complaint, could be completed. The Committee reported

No Probable Cause/Dismissal as to all three

veterinarians.

Dr. Bull moved to accept the report of Committee No. 5. Dr. Dean seconded the motion. It passed unanimously.

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The Board having no further business, upon motion of Dr. Bull, seconded by Dr. Barber, and unanimously passed, the meeting was adjourned at 7:50 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM
Executive Director