

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 13, 2012**

At 8:00 a.m., President Linwood Jernigan, D.V.M. called to order the regular meeting of the North Carolina Veterinary Medical Board. In attendance were the following Board members: Drs. Dwight E. Cochran, Kim Gemeinhardt, Richard Hawkins, David Marshall and Dante Martin; Mrs. Nancy Robinson, R.V.T., and Mrs. Katie Morgan. Also present was Board Attorney, Mr. George Hearn. 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 on recognizing and avoiding conflicts of interest.

At 8:05 a.m., Warren Pendergast, M.D., Medical Director, and Joseph P. Jordan, PhD., Clinical Director, of the N.C. Physicians Health Program (NCPHP) joined the meeting. Dr. Pendergast presented an update of the status of the N.C. Veterinary Health Program (NCVHP) since the last Board meeting. Dr. Pendergast left the meeting at 8:20 a.m.

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Dr. Jernigan appointed a nominating committee for 2012-2013 officers consisting of Mrs. Robinson, Chair, Mrs. Morgan and Dr. Gemeinhardt. They will present their report at the next meeting.

On motion by Dr. Marshall, seconded by Mrs. Robinson, the minutes for the February 3, 2012 Board meeting were approved.

The Board Investigator presented his report on activities since the last Board 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. On motion by Mrs. Robinson, seconded by Dr. Cochran, the financial report was approved.

At 9:28 a.m., the Board recessed for a break and resumed the meeting at 9:38 a.m.

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Dr. Gemeinhardt discussed with the Board the possibility of her attending the 2012 meeting of the American Association of Veterinary State Boards in September 2012. Mrs. Robinson made a motion, seconded by Dr. Cochran, for Dr. Gemeinhardt to attend the meeting to represent the Board. The motion passed unanimously.

The Board reviewed the March 15, 2012, letter from Lisa Duff, DVM, concerning a request of the Board to approve the delivery of limited veterinary services via a mobile surgical suite trailer used in conjunction with a stationary public or private building that would serve as a patient holding facility. The services provided would be limited to spay/neuter surgeries and rabies vaccinations. Following discussion, Dr. Gemeinhardt made a motion to request a more comprehensive explanation of the post-recovery plan for the animals and information that would clarify Dr. Duff's partnership arrangements. Dr. Cochran seconded the motion. The motion passed with one opposing vote by Dr. Marshall.

Dr. Marshall discussed a recent Board investigative action concerning the procedure of placing CIDR devices into the reproductive organs of cattle

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to assist with the regulating of the breeding and delivery cycle. The Board discussed this procedure and its relationship to the practice of veterinary medicine. This issue arose when the Board received information that Amy Thomas of Winston-Salem had inserted CIDR devices in cattle not owned by her. The Board received this as information and will continue to monitor and review this matter.

The Board adjourned the meeting at 10:35 a.m., so that the Hearing Panel could meet and discuss issues relating to the pending hearing involving Guy Beretich, DVM.

The Board meeting reconvened at 11:10 a.m.

The Board reviewed its current fee schedule and possible financial requirements necessary to conduct its business in the future. Dr. Gemeinhardt made a motion, seconded by Dr. Cochran, to increase the current fee for registered veterinary technician renewals, veterinary student interns and temporary permits to the cap set in statute and rule. The new fee for the renewal of a veterinary technician registration will be \$50.00

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biennially. The new registration fee for a veterinary student intern will be \$25.00. The new registration fee for a temporary permit will be \$150.00.

The motion passed unanimously.

The Board discussed the scheduled date of the June Board meeting. Upon review, the date of the meeting was changed from June 28 to June 27.

Report of Committee on Investigations No. 1

2011036-1 Dennis Kay Johnson, DVM – (Greenville

Veterinary Hospital) – Mr. & Mrs. John Gardiner |

Letter of Caution

At 12:05 p.m., the Board recessed for a break and resumed the meeting at 12:25 p.m.

2011038-1 Laura Day Dvorak, DVM and Jordan Quinn

Jaeger, DVM – (Carolina Veterinary Specialists-

Matthews) – Mr. & Mrs. James Wicker |

Continued

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2011015-1 **Steven A. Walker, DVM** – (Countryside Animal Hospital) – Ms. Teresa Pate | Letter of Reprimand and a \$500.00 civil monetary penalty.

2011040-1 **Kimberly Ann Sheaffer, DVM and Laura Day Dvorak, DVM** – (Carolina Veterinary Specialty-Matthews) – Mr. & Mrs. Jim Lang | Dismissed, no probable cause.

Following discussion, upon motion by Mrs. Robinson, seconded by Dr. Cochran, which unanimously passed, the Board assessed a \$500.00 civil monetary penalty against Steven A. Walker, DVM, in complaint no.

2011015-1, based upon the factors set forth in G.S. § 90-187.8(b)(1) [the degree and extent of harm to the animal]; (b)(2) [duration and gravity of the violation]; and (b)(5) [the licensee's prior disciplinary record].

Upon motion by Dr. Cochran, seconded by Mrs. Morgan, the Board approved the report of Committee on Investigations No. 1.

Report of Committee on Investigations No. 9

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2010055-9 **David Alan Conde, DVM** (West Hills Veterinary Centre, Inc.) – Ms. Mary E. Edwards | The Committee reconsidered its previous decision to pursue a consent order with Dr. Conde to resolve this complaint. Upon reconsideration, the Committee elected to issue a Letter of Reprimand; and recommended that the Board assess him a \$2,500.00 civil monetary penalty; and require Dr. Conde to complete 20 hours of continuing education in addition to that required annually for license renewal. The monetary penalty may be paid in full within 30 days of Dr. Conde’s receiving the letter, or he may pay it at the rate of \$250.00 per month until paid, with the first payment being due within 30 days of his receiving the letter. The additional hours 20 of continuing education hours must be completed within one year of the date Dr. Conde receives the letter.

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Following discussion, regarding complaint no. 2011015-1, upon motion by Dr. Cochran, seconded by Dr. Gemeinhardt, which unanimously passed, the Board assessed a \$2,500.00 civil monetary penalty against David Alan Conde, DVM based upon factors set forth in G.S. § 90-187.8(b)(1) [the degree and extent of harm to the animal]; and (b)(2) [duration and gravity of the violation].

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

Dr. Marshall left the meeting at 12:52 p.m., to attend a meeting at the N.C. State University College of Veterinary Medicine.

Report of Committee on Investigations No. 5

2011039-5 **David Alan Conde, DVM** (West Hills Veterinary Centre, Inc.) – Mr. & Mrs. David Bennett | Letter of Reprimand; Dr. Conde will be required to register, pay the registration fee, and pass the N.C. State Veterinary Practice Act examination.

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2011035-5 **William J. Pressly, DVM** – (Pressly Animal Hospital) – Mrs. Mellisa McNulty | Dismissed, no probable cause.

2011026-5 **David Hannink, DVM** (Fox Run Animal Hospital) – Ms. Terri Godleski / Ms. Parisa Azamghavami | Letter of Reprimand; 20 hours of continuing education must be completed in addition to the 20 required annually for license renewal.

2012002-5 **Kayla Ewing Cristobal, DVM** (Carolina Cat Clinic) – Mr. Avery Martin | Dismissed, no probable cause.

Dr. Cochran made a motion to approve the report of Committee on Investigations No.5. Mrs. Morgan seconded the motion. Dr. Gemeinhardt moved to amend the motion, requesting that the Committee's decision on the complaint against Kayla Cristobal, DVM, complaint no. 2012002-5, be voted on separately from the other complaint reports. Mrs. Morgan seconded the motion. The motion to amend passed unanimously. Dr. Gemeinhardt made a motion that Dr. Cristobal be issued a letter of caution.

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The motion failed for the lack of a second. The Board then voted on the main motion to approve the report of Committee on Investigations No. 5. The motion passed, with one opposing vote by Dr. Gemeinhardt.

Upon motion of Dr. Gemeinhardt, seconded by Dr. Cochran, the expenses for this Board meeting were approved.

Dr. Marshall rejoined the meeting at 1:45 p.m.

Dr. Jernigan, Chair of the Hearing Panel in the matter of Guy Beretich, DVM, reported that the Panel had met and elected, pursuant to G.S. § 150B-43(e), to refer the case for hearing to the Office of Administrative Hearings.

The Board having no further business, upon motion of Dr. Gemeinhardt, seconded by Dr. Marshall, the meeting was adjourned at 2:22 p.m.

Respectfully Submitted,

Thomas M. Mickey
Executive Director