

**MINUTES, North Carolina Veterinary Medical Board
Myrtle Beach, South Carolina, June 20 and 21, 2005**

On June 20, 2005, President Herbert Justus, DVM, called the regular meeting of the North Carolina Veterinary Medical Board to order at 3:05 p.m. In attendance were Board members Drs. Linwood Jernigan, Amy Lewis, David Marshall, Richard Hawkins, Dante Martin, Mrs. Nancy Robinson, R.V.T., and Ms. Amy Edwards. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

Dr. Justus introduced Dante R. Martin, D.V.M. who has replaced Kenneth R. Padgett, D.V.M. His term expires June 30, 2009.

Julian Mann, III, Chief Judge of the North Carolina Office of Administrative Hearings and former attorney for the Board, spoke to the Board about occupational licensing in North Carolina. He presented a history of occupational licensing and an overview of the role of occupational licensing boards in North Carolina.

The Board meeting adjourned at 5:15 p.m. until the following day at 8:00 a.m.

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On June 21, 2005, the regular meeting of the Board reconvened at 8:00 a.m.

On a motion made by Dr. Jernigan, seconded by Dr. Hawkins, the minutes for the April 8, 2005, meeting were approved.

Mr. Mann continued his presentation from the previous day. He discussed the importance of knowledge of the legislative process, and answered Board member questions. He left the meeting at 9:45 a.m.

The meeting of the Board adjourned at 9:45 a.m., for a fifteen-minute break, and reconvened at 10:00 a.m.

The Board Investigator presented a report on his activities since the April meeting. No further action was taken.

Executive Director Thomas M. Mickey reported on activities of the Board office since the last meeting. No further action was taken.

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The Executive Director distributed a financial report to the Board. Following discussion, Dr. Lewis made a motion to approve the report. Mrs. Robinson seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 1.

- 04055-2-1 James G. Mackie, Jr., DVM (complaint by Mrs. William Arnold) – Continued.
- 04050-1-1 Raymond M. Morrison, DVM and Jenifer Hope Geisler, DVM (complaint by Mr. E. Vernon Ferrell, Jr.) – Dismissed, no probable cause.
- 04059-1-1 Christopher Dunn Meyer, DVM (complaint by Ms. Wendy Young) – Disciplinary action: the medical aspect of the complaint is a dismissed upon a finding of no probable cause. A letter of reprimand is issued for probable cause of violation of Board Rule 26 NCAC 66.0601(b). A \$500.00 civil monetary penalty is assessed. The grounds for the civil monetary penalty are findings of factors in G.S. § 90-187.8(b)(2), [duration and gravity of the

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violation] and G.S. § 90-187.8(b)(3), [the violation was committed willfully or intentionally].

04057-1-1 Susan K. Holland, DVM (complaint by Mr. and Mrs. Matt Klemick) – Dismissed, no probable cause.

Dr. Lewis made a motion to approve the Committee on Investigations No. 1 report. Dr. Hawkins seconded the motion. The motion passed unanimously.

04062-1-1 Kevin Thomas Concannon, DVM and Paul Martin Manino, DVM (complaint by Ms. Robin Dunbar) – The Committee reconsidered its previous decision to issue Dr. Manino a letter of caution, and upon reconsideration, changed its decision to dismissal upon a finding of no probable cause. The original decision with respect to Dr. Concannon, to dismiss upon a finding of no probable cause, remains the same.

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Dr. Marshall made a motion to approve the Committee on Investigations No. 1 report concerning complaint 04062-1-1. Dr. Jernigan seconded the motion. The motion passed unanimously.

The meeting of the Board adjourned at 12:00 p.m.

The regular meeting of the Board reconvened at 12:45 p.m.

Report of Committee on Investigations No. 2.

05007-1-2 Martha R. Davis, DVM (complaint of Mr. David Rich) – Dismissed, no probable cause.

05011-1-2 Robert W. Ridgeway, DVM (complaint of Ms. Helen Civatte and Mr. Brian Civatte) –
Disciplinary action: letter of reprimand.

05015-1-2 Marguerite B. Horstman, DVM (complaint of Ms. Kay Shy) – Disciplinary action: letter of caution.

05013-1-2 Wally J. Diehl, DVM (complaint of Ms. Megan Cunningham) – Disciplinary action: letter of caution.

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05005-1-2 Barbara Anne Walton, DVM (complaint of Ms. Kay Brown) – Dismissed, no probable cause.

Dr. Lewis made a motion to approve the Committee on Investigations No. 2 report. Mrs. Robinson seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 7.

05010-1-7 Angela J. Crain, DVM (complaint by the Ms. Pattie L. Page) – Disciplinary action: letter of reprimand.

05006-1-7 Rebecca Adrienne Bloch, DVM (complaint of Susan A. Hockaday, D.D.S.) – Disciplinary action: letter of caution.

05008-1-7 James G. Schmunk, DVM (complaint of Ms. Olivia Russell) – Disciplinary action: letter of caution.

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- 05002-1-7 Kechia Mia Davis, DVM (complaint of Mr. and Mrs. Thomas Mitchell) – Disciplinary action: letter of caution.
- 05014-1-7 Katie Elisabeth Smithson, DVM (complaint of Ms. Dianne J. Ross) – Disciplinary action: letter of caution.
- 05012-1-7 Randolph William Wetzel, DVM (complaint by Mr. and Mrs. Mark Heiler) - Disciplinary action: letter of caution.
- 05016-1-7 Stanley Kent Robinson, DVM (complaint by Mr. and Mrs. Mark Cline) – Dismissed, no probable cause.

Dr. Jernigan made a motion to approve the Committee on Investigations No. 7 report. Dr. Marshall seconded the motion. The motion passed unanimously.

The Board reviewed a letter to the Board of April 12, 2005 from Mr. Bundy B. Plyer, Executive Director of the North Carolina Cattlemen's Association. This letter was in response to the March 15, 2005 letter from

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Dr. Justus to Dr. Richard D. Kirkman concerning the Board's interpretation of the Veterinary Practice Act that the palpation of cattle to determine pregnancy was the practice of veterinary medicine and, as such, is restricted to veterinarians. The Board directed that a letter be sent to Mr. Plyer informing him that the Board reaffirms its decision and that protecting the livelihood of veterinarians was not an issue in the Board's decision. A letter should also be sent to the large animal veterinarians that appeared at the January meeting (Christopher George Spooner, DVM, Jonathan Brent Scarlett, DVM, and Heidi Friedlein Hart, DVM) asking them how the issues raised by Mr. Plyer should be resolved. Copies of the letters will be sent to the North Carolina Veterinary Medical Association.

The Board reviewed the Statement of Economic Interest for Ms. Edwards that was received from the North Carolina Board of Ethics. No further action was taken.

Dr. Marshall made a motion to grant Alexandra J. McFeely, DVM an extension until December 31, 2005, on earning her 20 hours of continuing education for 2005. Dr. Lewis seconded the motion. The motion passed unanimously.

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The Board discussed the status of the services the Board receives through agreement with the North Carolina Physicians Health Program (NCPHP) impairment program. No further action was taken.

The Board set the date of the next Board meeting to be August 26 and the final meeting for 2005 to be November 3.

The Nominating Committee presented its slate of officers for 2005-2006. The Committee nominated Dr. Lewis for President, Dr. Marshall for Vice-President and Mrs. Robinson for Secretary-Treasurer. Dr. Hawkins made a motion that the slate of officers be approved and elected to their respective positions. Dr. Jernigan seconded the motion. The motion passed unanimously.

This Board meeting was held at the same location as the annual meeting of the North Carolina Veterinary Medical Association, which meeting certain members of the Board planned to attend. The Board determined that holding this meeting in Myrtle Beach, South Carolina provided Board members with communication, discussion and learning

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opportunities with North Carolina veterinarians that did and will enable the Board to more effectively fulfill its responsibilities. While the Board considers its office in Raleigh to be its regular and preferred meeting site, the Board determined that meetings in the same general locations where other veterinary professional groups are convening can be a communications resource for the Board. Upon a motion by Dr. Jernigan, seconded by Dr. Hawkins, the Board approved the actual expenses incurred for travel, meals and lodging for Board Members, Board Attorney, Executive Director and Staff in connection with this meeting.

The meeting was adjourned by unanimous vote upon a motion by Mrs. Robinson and seconded by Dr. Marshall at 2:05 P.M.

Respectfully Submitted,

Thomas M. Mickey
Executive Director