

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

President Linwood Jernigan, DVM called the regular meeting of the North Carolina Veterinary Medical Board to order at 4:36 p.m., on August 24, 2010. In attendance were the following Board members: Drs. Susan Bull, Michael Davidson, Richard Hawkins, David Marshall, and Dante Martin; and Mrs. Katie Morgan. Also present were Board Attorneys Mr. George Hearn and Mr. Lee Craven and Executive Director Mr. Thomas Mickey.

Dr. Jernigan reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement on being aware of and avoiding conflicts of interest.

Ms. Elizabeth Buono, Deputy Director of Board and Commissions, in the Office of the Governor, accompanied by the Honorable Judge Linda M. McGee of the North Carolina Court of Appeals, joined the meeting. Judge McGee administered the Oath of Office as a member of the Board to Kim D. Gemeinhardt, DVM, who had been appointed by Governor Beverly E. Perdue to succeed Dr. Bull. Following the oath, Ms. Buono, Judge McGee and Dr. Bull left the meeting.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

Dr. Jernigan established a Committee on Investigations No. 9, the members of which will be Dr. Marshall, Dr. Davidson and himself. This Committee will be assigned cases that previously would have been assigned to Committee No. 8. Committee No. 8 will not be assigned any new cases, but it will complete its cases pending as of August 24.

On motion by Dr. Marshall, seconded by Dr. Hawkins, the minutes for the June 23 and 24, 2010 meeting were approved as corrected.

Previously, the Board voted to send Dr. Davidson, Dr. Bull, Mr. Hearn and the Executive Director to the annual meeting of the American Association of Veterinary State Boards (AAVSB) in Baltimore, MD in September. Because of a scheduling conflict, Dr. Hawkins will be attending in place of Dr. Davidson. Mr. Hearn reported that the meeting agenda did not appear to have sufficient legal issues to justify his attending and the Board agreed with his request not to attend.

On behalf of the Committee on Investigations No. 6, Dr. Davidson explained the Committee's reconsideration of Dr. Tev Marcal Barros' application for a veterinary license. Dr. Barros' attorney in July presented

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

documentation that Dr. Barros had completed, as a practical matter, all court-imposed requirements and the case likely will be dismissed in January 2012. The Committee reviewed the application and recommended that the Board issue a license to Dr. Barros, subject to the terms of a Consent Order. Mr. Hearn presented the Board a draft of the Consent Order setting forth the conditions for the issuance of a veterinary license to Dr. Barros. Dr. Marshall made a motion, seconded by Mrs. Robinson, to approve the draft and to authorize entry of the Order. The motion passed unanimously.

The Board Investigator presented his report on activities since the last meeting.

Dr. Davidson made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(3), to discuss litigation filed by Joseph Barr. Dr. Marshall seconded the motion. The motion passed unanimously. At 6:45 p.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 7:35 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

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.

The meeting adjourned at 7:55 p.m. upon motion of Dr. Hawkins, seconded by Dr. Marshall.

President Linwood Jernigan, D.V.M., called the regular meeting of the North Carolina Veterinary Medical Board to order at 7:57 a.m. on August 25. In attendance were Board members Drs. Michael Davidson, Kim Gemeinhardt, Richard Hawkins, David Marshall, Dante Martin; Mrs. Nancy Robinson, R.V.T. and Mrs. Katie Morgan. Also present were Board Attorneys, Mr. George Hearn and Mr. Lee Craven, and Executive Director, Mr. Thomas Mickey.

Dr. Jernigan reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement on being aware of and avoiding conflicts of interest.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

At 8:05 a.m., Warren Pendergast, M.D., Medical Director of the North Carolina Physicians Health Program (NCPHP) and Joseph P. Jordan, PhD, joined the meeting. Dr. Pendergast presented an update on the status of the North Carolina Veterinary Health Program (NCVHP) since the last Board meeting. After a question and answer period with the Board, Dr. Pendergast left the meeting at 8:20 a.m.

The Board changed the date of the November Board meeting from November 4 and 5 to November 3 and 4, 2010.

The Board set the date for the first Board meeting in 2011 to be January 27 and 28.

The Board rescheduled the date for the administrative hearing involving Dennis K. Johnson, DVM, to be December 9 and 10, 2010.

Report of Committee on Investigations No. 8

2010028-8 **Daniel James Wilson, DVM** (A Country
Veterinary Clinic) – Mr. & Mrs. Philip J. Gaglia,
Jr. | *Letter of Caution.*

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

The meeting recessed at 9:30 a.m. for a break and reconvened at 9:40 a.m.

2010024-8 **Pamela Ann May, DVM** (Acoustic Pets Animal Hospital) – Ms. Clareese Moss | *Letter of Caution.*

2010038-8 **Michael J. House, DVM** (Animal Hospital of Pitt County, PA) – Ms. Debra Umphlett | *Dismissed (Dr. House is Deceased).*

2010030-8 **Bruce Lamar Frost, DVM** (Madison County Animal Clinic) – Mr. & Mrs. Patrick Wright | *Letter of Caution.*

2010026-8 **Erica Ann Feiste, DVM** (Lannon's Animal Hospital) – Mr. & Mrs. George Stanley | *Letter of Reprimand.*

2010022-8 **Cynthia J. Kuder, DVM** – Ms. Susan Thomas Mata | *No Probable Cause/Dismissal.*

2009048-8 **Daniel Henry Johnson, DVM** (Avian & Exotic Animal Care) – Ms. Susan Thomas Mata | *Continued.*

2010034-8 **Timothy Stephen Staudt, DVM** (Small Animal Emergency Service) and **Lauren Elizabeth Clements, DVM** (Animal Urgent Care of

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

Fayetteville) – Mr. Jeff Leon & Ms. Karen Hardin |

No Probable Cause/Dismissal.

Upon motion by Mrs. Morgan, seconded by Dr. Hawkins, the Board approved the report of Committee on Investigations No. 8, with Mrs. Robinson recusing herself from the vote on complaint numbers 2010022-8 (Cynthia J. Kuder, DVM).

Report of Committee on Investigations No. 5

2010014-5 **Jack Gregory Gallagher, DVM** (Veterinary Surgical Referral Practice, PA) – Mr. & Mrs. Carl Berth | *No Probable Cause/Dismissal.*

2010012-5 **Peter Jarrell Brofman, DVM and Carrie Ann Davis, DVM** (Carolina Veterinary Specialty South Charlotte Medical) – Ms. Lisa Ridings | *No Probable Cause/Dismissal.*

At 10:45 a.m., the Board conducted a telephone conference call with Dr. Walter R. Westbrook and Dr. David G. Hall to discuss the delivery of emergency veterinary services by the Emergency Pet Hospital of Craven-Carteret, Inc. Dr. Westbrook and Dr. Hall explained how the facility provides for emergency services to pets belonging to clients of veterinarians

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

who are members of the corporation, to the military community, and to visitors from outside the Carteret County area. The Board members asked for clarification on the policy of the facility to treat animals whose owners are not clients of member veterinarians. Dr. Westbrook and Dr. Hall said animals presented in an emergency condition would be examined and stabilized, even if the animal was not otherwise eligible for treatment. The conference call concluded and following discussion the Board took no further action.

The meeting recessed at 11:35 a.m. for a break and reconvened at 11:40 a.m.

At 11:45 a.m., the Board conducted a telephone conference call with Kelly A. Erickson, DVM and Mr. Garrett Trawick to discuss her request for Board approval to permit her North Carolina professional corporation to perform vaccination clinic services within certain retail stores in North Carolina. The Board reviewed with Dr. Erickson the information she had sent to the Board in May. The Board members asked several question about the proposal. The conference call ended at 12:30 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

The meeting recessed at 12:30 p.m. for lunch and reconvened at 1:00 p.m.

At 1:00 p.m., Joseph K. Gordon, DVM, a practitioner from Wake County and former President of the Veterinary Medical Board joined the meeting. He discussed veterinarian-client-patient relationship and how it applies to the filing of prescriptions written by another veterinarian. He left the meeting at 1:40 p.m.

Dr. Davidson left the room and the Committee on Investigations No. 5 continued its report.

2010025-5 **Kyle Gene Mathews, DVM and Simon Charles Roe, BVSc (NCSU-CVM) – Mr. Charlie Holtzclaw | *No Probable Cause/Dismissal.***

2010032-5 **Marlene Lynn Hauck, DVM; Laurel Eugenie Williams, DVM and Sarah Elizabeth Musulin, DVM (NCSU-CVM) – Mr. Patrick Kelly | *No Probable Cause/Dismissal.***

Dr. Davidson rejoined the meeting.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

- 2010027-5 **Robert Loring Bergman, DVM** (Carolina Veterinary Specialty South Charlotte Medical) – Ms. Halina Brengel | *No Probable Cause/Dismissal.*
- 2010023-5 **Dennis K. Johnson, DVM** (All Pets Hospital for Animals) – Ms. Shannon L. Nicholas | *Letter of Reprimand.*
- 2010029-5 **Juan Carlos Gamboa, DVM** (Gamboa Veterinary Services) – Ms. Vicki Lynn Hoffman | *No Probable Cause/Dismissal.*
- 2010031-5 **John E. Dowler, DVM** (Emergency Pet Hospital of Craven-Carteret, Inc.) – Mr. & Mrs. Nicholas Hodak | *No Probable Cause/Dismissal.*
- 2010035-5 **John E. Dowler, DVM** (Emergency Pet Hospital of Craven-Carteret, Inc.) and **Jennifer D. Kidney, RVT** (Emergency Pet Hospital of Craven-Carteret, Inc.) – Ms. Dana Lee O’Neal | *No Probable Cause/Dismissal.*
- 2010033-5 **James Buck Clark, DVM** – Mr. & Mrs. Michael Williams | *Letter of Caution.*

Upon motion by Dr. Marshall, seconded by Dr. Gemeinhardt, the Board approved the report of Committee on Investigations No. 5, with Dr. Davidson recusing himself from the vote on complaint number 201025-2 (Kyle Gene Mathews, DVM and Simon Charles Roe, BVSc) and complaint

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

number 2010032-2 (Marlene Lynn Hauck, DVM; Laurel Eugenie Williams, DVM and Sarah Elizabeth Musulin, DVM).

The Board continued its discussion, from the June meeting as well as from earlier in the day, concerning the request by Kelly Erickson, DVM for approval to conduct various vaccination clinics within certain retail stores. Mrs. Robinson made a motion to deny the request because the operation of the clinics does not meet the requirements of the Veterinary Practice Act and Board Rules, including primarily the facility inspection requirements of 21 NCAC 66 .0207, Minimum Facility and Practice Standards. Mr. Hearn will draft and circulate a letter to the Board members that will convey the Board's decision. Dr. Gemeinhardt seconded the motion. The motion passed unanimously.

Upon a motion by Mrs. Robinson, seconded by Dr. Martin, the Board approved the actual expenses for this meeting.

Upon motion of Mrs. Morgan, seconded by Dr. Martin, the Board adjourned the meeting at 3:35 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, August 24, 2010 & August 25, 2010**

Respectfully Submitted,

Thomas M. Mickey
Executive Director