

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, September 9, 2021**

At 8:01 a.m., President Susan Bull, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. This meeting was held at the Board and virtually through Zoom. Present also were the following Board members: Drs. Kent Dean, Ronald Komich, Allen Cannedy, Michael Martin, and Azure Holland; Robin Lazaro, RVT; and Mr. Timothy Gold. Also present were Board Attorney, George Hearn, Executive Director, Dr. Tod J. Schadler, and Sarah Swartout, Student Liaison.

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

The following guests were in attendance through Zoom: Dr. Joseph Jordan, CEO, NC Physician's Health Program (NCPHP); Beth Farling, NCPHP Senior Case Manager; Jon Carr, attorney for North Carolina Veterinary Medical Association (NCVMA); Jean Losey, RVT; Shannon Bass, DVM, Secretary-Treasurer, NCVMA; Jennifer Shultz, DVM, immediate past President of NCVMA; Dante Martin, DVM, President of NCVMA;

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Marguerite Gleason, DVM, Vice President, NCVMA; John McHugh, ASPCA; Claire Holley, Executive Director NCVMA

The July 8, 2021 and August 4, 2021 Board meeting minutes were reviewed. Dr. Komich, seconded by Dr. Cannedy, moved to approve the July 8, 2021 Board meeting minutes. The minutes were approved unanimously. Dr. Holland, seconded by Dr. Dean moved to approve the August 4, 2021 Board meeting minutes with corrections. The minutes were approved unanimously.

New Business - Reports:

North Carolina Physician's Health Program (NCPHP) Report:

Dr. Joseph Jordan gave an update. There are presently six veterinarians under contract, and no registered veterinary technicians under contract.

NCVHP Scholarship process is moving along.

State Veterinarian's Report:

Dr. Martin updated the Board on the African Swine Fever in the Dominican Republic. Approximately 15-25 out of 31 providences have positive cases. The Dominican Republic has a large swine population.

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The situation in Haiti has worsened because of hurricanes and earthquakes.

The United States has a management plan in place for the African Swine Fever.

State Fairs will be held this year in North Carolina.

During the Tropical Storm Fred, there was not any loss of animals reported.

Chiropractic Medicine Committee Report:

Mrs. Lazaro reported on the research that the committee gathered. The committee feels that the Board should not create an exemption for chiropractors. It is recommended that the Board meet with the Chiropractor Board to make sure they understand NCVMB's stance on this matter.

Legislative Committee:

Keith West, Assistant to the Executive Director, reported on the proposed rules for Veterinary Telemedicine. Rules Review Commission approved the rule 21 NCAC 66.0211 Veterinary Telemedicine on August 19, 2021. This rule became effective on September 1, 2021.

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The proposed Practice Facility Permit is still being worked on with changes based on recommendations from Ms. Reeder.

House Bill 911 - Regulatory Reform 2.0, the proposed amendment to clarify NCVMB authority to issue certain civil penalties section 11.(a) G.S. 90-187.8 – to add “or a veterinary facility permittee”.

Senate Bill 651- Amend the Veterinary Practice Act. Add Veterinary Consulting definition and remove “Preceptee” throughout the NC Practice Act. Mr. West will provide information on status of bill when it occurs.

Chief Inspector’s Report:

Dr. Joseph Wright, Chief Inspector reported there have been 130 inspections since the last meeting. Inspectors are still calling facilities before they come for inspections. There were ten serious violation letters sent, building issues, incomplete drug logs, unsecured drugs, etc.

Since January 2021 there have been 437 inspections of which 60 were new practices, 34 were changes in ownership, and 40 involved facility violations that required a follow-up inspection. Dr. Wright proposed creating a new territory and adding a new inspector on the eastern side of North Carolina.

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A motion to approve the hiring of a fourth inspector and creating a new territory was made by Dr. Dean and seconded by Dr. Martin. The motion was approved unanimously.

Attorney's Report:

Mr. Hearn reported he has written 55 closing letters since January 2021. Mr. Hearn requested that the State Ethics Commission letters for the two new Board Members, Dr. Michael Martin and Mr. Timothy Gold, be read into the minutes.

Mr. Matthew Skidmore will start working as the new attorney with NCVMB on Monday, September 13, 2021.

Student Liaison:

Sarah Swartout gave an updated report. Vaccination rate is high. There is weekly testing for COVID if not vaccinated. Ms. Swartout sent a survey to fellow students concerning the Board. Only received 35 responses, but will give it one more week.

Dr. Dean asked about the Emergency Department at NCSU-CVM. Dr. Cannedy stated that they are taking limited referrals from facilities. They are extremely short staffed.

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Executive Director's Report:

Dr. Schadler presented an update on licensing activities. The Board Auditor will give the finance report.

The AAVSB meeting this year will be September 30-October 2, 2021 in Denver, Colorado. Dr. Bull, Dr. Holland, and Dr. Schadler will attend and costs will be covered by the AAVSB. Dr. Komich, Dr. Cannedy, Mr. Skidmore, Ms. Sarah Swartout, and Mr. Keith West will attend and costs will be covered by the Board.

At 9:17 a.m. the Board took a break and reconvened at 9:33 a.m.

At 9:353 a.m. Mrs. Lazaro made a motion to go into closed session with the Board Attorney pursuant to GS § 143-318.11(a)(3) for resolution recommendation for a complaint, seconded by Dr. Holland. Motion approved unanimously.

At 10:00 a.m. a motion to return to open session was made by Dr. Martin and seconded by Mrs. Lazaro. Motion approved unanimously.

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Auditor Report:

Mr. David Boyce, auditor, joined the meeting by Zoom. Mr. Boyce updated the Board on the Audit Report and had some recommendations.

- 1) Recommended to do periodical reconciliation to general ledger;
- 2) Fix payroll in QuickBooks to correctly reflect in general ledger, there are no compliance issues;
- 3) Create a budget;
- 4) Best practices – create an investment policy with the Board.

Dr. Schadler thanked the auditors for their time and recommendations.

At 10:16 a.m. Dr. Holland, seconded by Mrs. Lazaro, made a motion to go into closed session pursuant to GS § 143-318.11(a)(3) to consult with Board attorney on resolution of complaint. Motion approved unanimously.

At 10:41 a.m. Dr. Cannedy, seconded by Dr. Holland made a motion to return to open session. Motion was approved unanimously.

Dr. Holland, seconded by Dr. Cannedy made a motion to accept the recommendation from Committee on Investigation #1 on reconsideration of complaint 2019046-1, Dr. Streck, from a Letter of Reprimand to a Disposition

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of Agreement, and to authorize Dr. Bull to sign the Disposition by Agreement document. This motion was approved unanimously.

At 10:44 a.m. the Board took a break and reconvened at 11:00 a.m.

At 11:00 a.m. Dr. Komich made a motion to go into closed session pursuant to GS § 143-318.11(a)(3) to review complaints, seconded by Dr. Holland. Motion approved unanimously.

At 12:10 p.m. Dr. Holland, seconded by Dr. Cannedy, motioned to return to open session. Motion approved unanimously.

At 12:10 p.m. the Board took a working lunch break for Board Training.

At 1:30 p.m. Dr. Holland, seconded by Mrs. Lazaro made a motion to go into closed session pursuant to GS § 143-318.11(a)(3) to review complaints. Motion approved unanimously.

At 3:09 p.m. Dr. Komich, seconded by Dr. Dean made a motion to return to open session. Motion approved unanimously.

Dr. Dean read into the minutes the recommendations from Committee on Investigation No. 1 / 8.

Report of Committee on Investigations No. 1 / 8

- a. 2021023-1 – Barbara Anne Walton, DVM (Third Street Veterinary Clinic) – Ms. Bridget Coates – Letter of Caution

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- b. 2021027-1 – Zachary Michael Pfeffer, DVM and James Edward Williams, DVM (Eastern Carolina Veterinary Referral Animal Hospital – Ms. Janet E. Denny – Letter of Caution for Dr. Pfeffer; No probable cause, dismissed for Dr. Williams
- c. 2021036-1 – Tracy Malinda Brown, DVM (Highland Equine Mobile Service) – Ms. Kimberly Ann Kallam - No probable cause, dismissed
- d. 2021038-1 – Jenifer Lynn Welsh, DVM and Robert Frank Guttroff, DVM (Swansboro Animal Hospital Emergency) – Ms. Donna Massey – Letter of Reprimand for Dr. Welsh; No probable cause, dismissed for Dr. Guttroff

Dr. Komich made a motion, seconded by Dr. Holland, to approve the report from Committee on Investigations No. 1/8. The report of Committee 1/8 was approved unanimously. These decisions are preliminary and will not be final until the decision is accepted into the minutes, the letter explaining the decision is drafted by the Board Attorney and is approved by the Committee chair and mailed to the licensee and complainant. In the case of a letter of reprimand, the licensee has 15 days from its receipt to reject it and request a hearing. If a rejection occurs, the case is returned to the Committee for further review and action.

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Mrs. Lazaro read into the minutes the recommendations from Committee on Investigation No. 9.

Report of Committee on Investigations No. 9

- a. 2021029-9 – Shannon Howell Foy, DVM and Ariel Hickey Fulghum, DVM (Brentwood Veterinary Center) – Ms. Heather Tomczyk – No probable cause, dismissed
- b. 2021041-9 – Dhanvanthari Emmadi, DVM (Valley Animal Clinic) – Ms. Naisha Dalton – Continued
- c. 2021043-9 – Abelina Gaona, DVM (Vetcare for Pets Animal Hospital) – Mr. Gerardo Migel Velasquez – No probable cause, dismissed
- d. 2021045-9 – Andrea Grace Watson, DVM (Roanoke Animal Hospital) – Ms. Pamela Faison – No probable cause, dismissed
- e. 2021047-9 – Robert Bryan Balland, DVM (Summerfield Veterinary Hospital) – Ms. Wanneta White – No probable cause, dismissed
- f. 2021050-9 – Matthew Dane Frazier, DVM (Hannah Creek Veterinary Hospital) – Ms. Regina McGee – No probable cause, dismissed

Dr. Dean made a motion, seconded by Dr. Cannedy, to approve the report from Committee on Investigations No. 9. The report from Committee 9 was approved unanimously. These decisions are preliminary and will not be final until the decision is accepted into the minutes, the decision is drafted

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by the Board Attorney and is approved by the Committee chair and then mailed to the licensee and complainant. In the case of a letter of reprimand, the licensee has 15 days from its receipt to reject it and request a hearing. If a rejection occurs, the case is returned to the Committee for review and action.

Dr. Holland, seconded by Dr. Cannedy, made a motion to approve the meeting's expenses. It was approved unanimously.

Mr. Hearn expressed his gratitude to the Board as this was his last official Board Meeting. He began work with the Board in December 1989.

The Board having no further business, a motion to adjourn made by Dr. Holland, seconded by Dr. Martin, passed unanimously. The meeting adjourned at 3:26 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM
Executive Director