

**MINUTES, North Carolina Veterinary Medical Board  
Raleigh, North Carolina, October 12, 2017**

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

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

Dr. Dean introduced guests attending the Meeting: State Veterinary Technician Association President, Anne Meyers RVT, Dr. Joe Jordan, and NCVMA Executive Director, Claire Holley.

The August 24, 2017 Board meeting minutes were reviewed. Dr. Bull, seconded by Dr. Barber moved to approve the August 24th, 2017 Board minutes, with corrections. The minutes were approved unanimously.

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Dr. Meckes presented an update on the World Equine Games (September 12-23, 2018) in Tryon, NC. Dr. Meckes stated that security was high and that 3 different sets of credentials were needed to get on the grounds. There was discussion about who needed to have a temporary license from the Board for these games. It was decided that the first responders and the FEI treating veterinarians needed to apply for temporary licensure. The team veterinarians, who will only be working on their team horses, would not need a temporary permit. There will also be veterinary student volunteers, but the students would not be allowed to touch the horses. Because of the \$150 temporary license fee, there was discussion of the fees for the permits being funded by a sponsor. Claire Holley, the NCVMA Executive Director, made some inquiries and later reported to the Board that Dr. Ballot would seek sponsorship monies of close to \$17,000 for the veterinarians applying for temporary permits. There will be 8-10 FEI veterinarians and 80-100 veterinarians who will need temporary licenses.

Dr. Meckes left the meeting at 8:40 a.m. A 10 minute break was taken at this time.

The Board reconvened at 8:50 a.m.

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Dr. Joe Jordan gave his report for NCPHP. He stated that they currently have 5 veterinarians and 1 veterinary technician in treatment. Dr. Jordan also reported that NCPHP recently underwent a 6 month performance audit to ensure that it was complying with the recommendations from the review conducted by the State Auditor in 2014. Dr. Jordan reported that the NCPHP has met and surpassed the 2014 recommendations. NCPHP requested a NCVMB representative on its board. The Board decided that either Dr. Komich or Mrs. Newman would be the NCVMB representative. It was also reported that NCPHP Executive Director, Dr. Gaither, has recently been certified as a MRO (Medical Review Officer).

Dr. Susan Bull gave her report on the AAVSB meeting attended by herself, Dr. Schadler, Dr. Gemeinhardt and Mrs. Newman. Highlights from the meeting were: regulations protect the public, not the profession; discussions on criminal background checks; the new AAVSB VAULT credentialing service; and Telemedicine. Dr. Gemeinhardt was re-elected to the AAVSB Board of Directors, Mrs. Newman was elected to the Conference Committee of the AAVSB, and Dr. Schadler to the Nominating Committee.

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Dr. Dean gave the President's Report. He reported that he and Dr. Marshall attended a meeting with DHHS concerning the STOP Act. He also reported on a meeting with Dr. Linton and Dean Lunn regarding the issue of extension agents potentially practicing veterinary medicine.

Dr. Jane Barber gave the Legislative Committee report. She, Drs. Gemeinhardt and Schadler and George Hearn had a conference call meeting that lasted 1.5 hours and reviewed the following topics: the definition of Veterinary Technician G.S. 90-181 (11); a proposed change to G.S. 90-187.8 (Discipline of Licensees); a proposed "Temporary Emergency License Application" which could be utilized in the event of a N.C. Governor declared State of Emergency; Telemedicine/Telehealth; a proposed new rule regarding "Premise Permits"; and the AAVSB VAULT program (a centralized database of veterinary credentials). She also mentioned that the committee thought it would be beneficial to schedule a collaborative meeting with neighboring States to consider compacts in regards to Telemedicine, State Emergency Licensure, and other topics of mutual concern.

At 9:57 a.m. the Board took a break and reconvened at 10:07 a.m.

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Registered Veterinary Technicians Stacey Hathaway, Krista Callons and Stephanie Barbour spoke concerning suggestions for changes to the Practice Act that involve registered technicians. The Board recommended that they publish an informative article (regarding the duties of RVTs) in the NCVMA's newsletter and write an article for the NCVMB's Regulatory Bulletin. The NCVMB plans to draft an educational sheet for inspectors to leave at the conclusion of each facility inspection that lists the duties registered veterinary technicians and veterinary assistants can perform under the North Carolina Veterinary Practice Act.

Dr. Marshall gave the Inspectors Report. He announced that Dr. Joe Wright started on October 1<sup>st</sup> as the inspector covering the western part of the state and 5 counties at the coast. He gave everyone a copy of the new map detailing the counties assigned to each inspector. He presented a brief synopsis of the meeting held on October 4<sup>th</sup> with the inspectors, Dr. Schadler, Janice Schoew and Alice Anne Roberts. Dr. Marshall requested that the Board supply Dr. Wright a cell phone for his duties. He and Dr. Schmid will continue to use their personal cell phones, but would like some type of reimbursement. He also requested that the Board provide

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registration for the upcoming NCVC Conference in order to obtain CE credits and to staff the Board's exhibit hall booth. Dr. Schadler has previously approved a request from Dr. Wright for a GPS unit to utilize during his inspection trips.

The disposal of expired controlled drugs was discussed. Dr. Marshall stated that currently a DHHS agent must be present to witness the disposal of any expired controlled drug. The Board is in the process of discussions with the DHHS to obtain approval for Board inspectors to be allowed to witness drug disposals during their facility inspection visits.

Dr. Jaime Pickett appeared before the Board to explain her license disciplines in Virginia. She applied to sit for the North Carolina exam that is scheduled October 13, 2017. She is currently the Chief Veterinary Officer for Pet Paradise which has 28 resorts in 8 states. The Board agreed to allow Dr. Pickett to take the exam, but hold her score until a decision is made on her application for a N.C. license. Dr. Bull, seconded by Ms. Lazaro RVT, made the motion to allow Dr. Pickett to take the exam, but hold her score, until a decision was determined on her application for a NC license. The motion passed (5 ayes and 1 nay (Dr. Gemeinhardt)).

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Ms. Claire Holley, NCVMA Executive Director, gave a report on the recent activities with the NCVMA.

At 11:50 a.m. the Board recessed for lunch, reconvening at 12:30 p.m.

Janice Schoew, NCVMB Office Manager, gave the Office Manager's report. She updated the Board on the progress of the new ThoughtSpan software program that is slated to go live on November 1. She also reported that the ThoughtSpan people would be in the office on Tuesday and Wednesday, October 17 and 18, for training and suggestions.

Ms. Schoew also mentioned that the State surplus department had picked up all of the old office equipment at the end of September. Documents have been signed with the State's archive Department and the NCVMB will soon begin purging and archiving records.

George G. Hearn gave the Attorney's report. He reported that he and Ms. Lazaro attended the FARB Regulatory meeting, in Savannah October 5<sup>th</sup> to 8<sup>th</sup>, and that it was very beneficial. He stated that North Carolina is far ahead of some States. One of the topics that was presented concerned surprise inspections which could violate the 4<sup>th</sup> and 5<sup>th</sup> amendments to the U.S. Constitution. Another issue discussed at FARB was that of Boards contracting out to private companies the testing of applicants. He suggested

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that the tests need to be read through thoroughly. The Board is responsible for the questions.

Other topics Mr. Hearn reported on were: policies should be kept to a minimum and generally most policies should be adopted as rules. The Board usually should let the Rules Review Commission confirm the policy through the rules instead of the Board trying to do it through policy. Mr. Hearn also reported that the Board has initiated a complaint against Dr. Dennis Johnson for non-payment of certain civil monetary penalties and cost assessment ordered by the Board. Board member training will take place on November 30<sup>th</sup>. He will be mailing out tabbed notebooks of materials. Mr. Hearn reported that witness issues have resulted in the cancellation of a previously scheduled November 8<sup>th</sup> hearing for Dr. Bullock. He will ask the Board to schedule a new date. He also reminded everyone to be careful as to what you put into an email because the content of most emails are subject to the Public Records Request Act.

Dr. Tod Schadler gave the Executive Director's report. He reported on the Tennessee Veterinary Massage Licensing Laws.



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The N.C. Small Animal Academy listed the NCVMB as a sponsor on its web page. Dr. Schadler has asked the Academy to remove any reference to the NCVMB as a sponsor.

Dr. Schadler has suggested that we have a student liaison to the NCVMB to create awareness of Board duties. This student would be a sophomore at NCSU-CVM who would be able to answer student questions about the Board and present reports at NCSU-CVM student meetings. The Board would sponsor the student's registration, lodging, meals, and travel to the annual AAVSB meeting. If this position is successful, the Board would consider including a veterinary technician liaison in the future.

Dr. Schadler reported on current complaints and investigations. Dr. Marshall stated that Dr. Wright expressed interest in assisting with investigations.

Dr. Dean made a motion, seconded by Dr. Bull, to proceed with the NCVMB student liaison position and it passed unanimously. Mrs. Robin Lazaro, RVT will be the NCVMB contact person.

The financial report reported that Dr. Johnson has not made any payments on past due penalties and costs; that Dr. Massey is paying her

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required amount consistently; and that Dr. Cardenas has paid his penalty in full.

Dr. Gemeinhardt advised the Board that she had received an invitation from 3H to visit its rehabilitation center. It was decided that she would decline the invitation as a review of this facility is more appropriately conducted by NCVMB inspectors.

Dr. Susan Bull gave the Finance Committee's report. There was discussion on check signing. Currently, any checks over \$2,500 must be signed by an office person and a Board member. It was requested to allow 2 office personnel (Dr. Schadler and Ms. Schoew) to sign checks up to \$7,500.00. Anything over \$7,500.00 must have a Board member's signature. The 2 exemptions are Mr. Hearn's check and NCPHP payments. Dr. Bull, seconded by Dr. Gemeinhardt, made a motion to allow 2 staff signatures on checks \$2,500 - \$7,500 including the two exemptions of Mr. Hearn's check and NCPHP payments, and that anything over \$7,500.00 would require a Board member and staff signature. It passed unanimously.

It was suggested that the Board seek bids from other certified public accountants for next year's audit. Names and phone numbers are to be emailed to Dr. Schadler.

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The next topic of discussion was per diems. Dr. Bull suggested that time devoted to Board business by Board members be kept in increments of ¼, ½ and whole days, instead of hourly. Board and Committee meetings are considered a full day per diem. It was suggested that this be incorporated into a policy. Travel time will be discussed at the next Board meeting – mileage or a per diem, but not both. Timesheets will be kept and submitted with expense reports. This issue will be reviewed again in 6 months. Dr. Barber made a motion, seconded by Mrs. Lazaro, RVT, to accept the recommendations of the Finance Committee related to per diem expense. A written policy needs to be presented at the next meeting. It was approved unanimously.

The Board discussed approving a Board phone for Dr. Wright and reimbursing Drs. Schmid and Marshall for time spent on Board business when they use their own cell phones. Dr. Schadler reported that the Board would be leaving Verizon on October 22<sup>nd</sup> and going with another cell phone service. The Finance Committee recommends a monthly cell phone allotment for Drs. Schmid and Marshall based upon the monthly bill for Dr. Wright.

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Dr. Barber made a motion, seconded by Dr. Bull, to compensate the investigators equally for cell phone usage and pay for their registration at the NCVV in November. Dr. Barber amended the motion to include that the Board acquires an exhibit hall booth at the NCVV and the inspectors would staff it in shifts. Dr. Bull seconded the amendment. The motion passed with 5 ayes and 1 nay (Dr. Gemeinhardt).

Dr. Barber made a motion for the Board to enter closed session concerning personnel issues at 2:30 p.m., pursuant to G.S. § 143-318.11(a)(3). Dr. Bull seconded the motion and it was approved by the Board. The Board returned to its regular meeting at 2:50 p.m. A motion was made by Dr. Gemeinhardt, seconded by Dr. Barber to follow through on actions of closed session. At 2:51 p.m., Dr. Gemeinhardt made a motion, seconded by Mrs. Newman, to go enter a closed session pursuant to G.S. §143-318-11(a)(6). At 3:02 p.m., the Board returned to the regular meeting.

**Report of Committee on Investigations No. 1**

2017006-1 **Drs. Nanfelt; Merlo, Bergman, Huff, Schillinger, Bonin and Bass** (CVS-Matthews/Huntersville) – Mr. Christopher B. Manecke– Continued.

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- 2017021-1 **Megan Melissa McAndrew, DVM** (Guilford County Animal Shelter) – Dr. Patricia Norris – Dismissed/lack of jurisdiction.
- 201027-1 **Laura deMarchena Greene, DVM** (VSH of Carolinas-Cary) – Mr. Paul and Mrs. Annette Dassing – no probable cause/dismissed.
- 2017039-1 **Joel L. Fox, DVM** (Walkertown Veterinary Hospital) – Ms. Judy Miller – LOR with 8 hours of additional hours of CD in the use of anesthesia; sedation; fear-free patient visits; chemical restraint; and COPR/resuscitative care. (Dr. Gemeinhardt recused herself from this case.)
- 2017036-1 **Ingrid Marie Lombardino, DVM & Brent C. Gordon, DVM** (CVS – Matthews) – Ms. Alison Alejandro – no probable cause/dismissed
- 2017034-1 **Megan Harris Clark, DVM, Deborah Kemp Stine, DVM; Michelle Droke, DVM; Patricia M. Pagel, DVM** (Cole Park Veterinary Hospital) – Ms. Diane Kelly – LOR for Dr. Harris, no probable cause/dismissed for the remaining doctors.

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2017043-1 **Dwight Cochran, DVM** – continued

Mrs. Newman made a motion, seconded by Mrs. Lazaro, RVT, to approve the report from Committee on Investigations No. 1 and it was approved unanimously.

**Report of Committee on Investigations No. 7**

2017011-7 **Kevin Lewis Brophy, DVM** – NCVMB – The committee has found probable cause of violations of several sections of the Practice Act and Board rules. A notice of Hearing will be issued if the matter is not resolved through a consent order.

2017035-7 **Vicki Loud Soares, DVM** (Woodsdale Animal Hospital) – Ms. Marie Liebelt – letter of reprimand

2017032-7 **Lauren Elizabeth Clements, DVM** (Animal Urgent Care of Fayetteville) – Ms. Regina Melvin – no probable cause/dismissed

2017033-7 **Jami Nichole George, DVM** (Brigadoon Animal Hospital) – Dr. Dave and Mrs. Debbie Fraser – NPC with cautionary words.

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2017004-7 **Jami Nichole George, DVM** (Brigadoon Animal Hospital) – Following discussion of the committee’s reconsideration of the LOR, the committee agreed with the Board’s request to continue its reconsideration.

Dr. Gemeinhardt made a motion, seconded Mrs. Newman, to approve the report from Committee on Investigations No. 7 and it was approved unanimously.

A motion by Dr. Gemeinhardt to approve expenses, seconded by Dr. Barber, was approved unanimously.

The Board having no further business, a motion to adjourn was made by Dr. Gemeinhardt, seconded by Mrs. Newman, and unanimously passed. The meeting adjourned at 4:57 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM  
Executive Director