

BOARD OF VETERINARY MEDICAL EXAMINERS

Date: September 18, 2009

Time: 9:00 a.m., C.S.T.

Location: Iris Room
227 French Landing, Suite 150
Heritage Place MetroCenter
Nashville, TN 37243

Members Present: James C. Lyons, D.V.M., President
C. Maben Thompson, D.V.M.
Bryan W. Bondurant, D.V.M., Vice-President
Joseph Kendrick, D.V.M., Secretary
Valisa Thompson, Consumer Member
Charles Hatcher, D.V.M., Ex-officio Member

Members Absent: Tiffani D. Rogers, D.V.M.
Janet B. Jones, L.V.M.T

Staff Present: Shiva Bozarth, Board Attorney
Sara Whitehead, Board Attorney
Rita Buckner-Shelton, Board Administrator
Lisa Lampley, Board Director
Elizabeth Miller, Director, Health Related Boards

Upon roll call and determination of a quorum, the meeting was called to order by Dr. Lyons at 9:00 a.m., CST.

Welcome New Board Member

The Board welcomed Ms. Valisa Thompson, Consumer Member, who replaced Ms. Marie Gordon. Her term expires July 31, 2014.

Conflict of Interest Policy

Ms. Sara Whitehead, Board Attorney, reviewed the conflict of interest policy.

Discussion – Tennessee Court of Appeals Decision re: Bonnie Cady

Mr. Shiva Bozarth, Board Attorney, stated that the Tennessee Court of Appeals, on August 27, 2009, affirmed the Chancery Court ruling in favor of Bonnie Cady, finding that Tenn. Comp. R. & Regs. 1730-1-.02 was invalid because it was overbroad and inconsistent with the statute. The

Court reversed the Board's imposition of civil penalties against Ms. Cady for engaging in the unlicensed practice of veterinary medicine.

Mr. Bozarth and Ms. Whitehead discussed with the Board whether to appeal the decision of the Tennessee Court of Appeals to the Tennessee Supreme Court. They further explained that the final decision regarding a request for an appeal would be made by the Office of the Tennessee Attorney General and the Board's recommendation would be considered.

Upon review and discussion by the Board, a motion was made by Dr. Kendrick, seconded by Dr. Thompson, to cease any further appeal in this matter and to work on amending the rules to clarify what constitutes the practice of veterinary medicine in Tennessee. The motion carried with Dr. Bondurant opposed. Ms. Whitehead will present proposed rule amendments to the Board at the next meeting scheduled to be held December 9 – 10, 2009.

Adjournment

There being no further business, the Board moved to adjourn at 11:12 a.m. CST.

These minutes were ratified at the meeting held on December 9, 2009.