

BOARD OF VETERINARY MEDICAL EXAMINERS

Minutes

Date: December 11, 2008

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

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

Members Present: C. Maben Thompson, D.V.M., President
James C. Lyons, D.V.M., Vice-President
Janet Jones, L.V.M.T
Marie Gordon, Consumer Member, Secretary
Bryan W. Bondurant, D.V.M.
Joseph Kendrick, D.V.M.
Philip Gordon, D.V.M., Ex-officio Member (Acting State Veterinarian)

Members Absent: Tiffani Rogers, D.V.M.

Staff Present: Rita Buckner-Shelton, Board Administrator
Shiva K. Bozarth, Board Attorney
Lisa Lampley, Board Director
Elizabeth Miller, Director, Health Related Boards
Robert Taylor, D.V.M., Board Consultant/Inspector

Upon roll call and determination of a quorum being present, the Board meeting was called to order by Dr. Thompson at 9:07 a.m.

Ms. Lampley introduced Mr. Matthew Scanlan, Office of General Counsel, to the Board. Mr. Scanlan made a few brief remarks and informed board members of his willingness and availability to discuss and/or address any concerns they might have. Ms. Carol Beasore, Complaint Coordinator, Office of Investigations, was also introduced to the Board.

Conflict of Interest Policy

Mr. Shiva Bozarth, Board Attorney, reviewed the new conflict of interest policy and stated that a signed copy of the policy was included in each member's board book.

Approval of Minutes

After reviewing the minutes from the April 24, 2008; October 2, 2008; and October 24, 2008 board meetings, Dr. Kendrick moved to approve the minutes as presented. Ms. Gordon seconded the motion. The motion carried.

Progress Report – Kevin H. Cox, DVM

As per the Order approved by the Board on January 31, 2007, Dr. Cox appeared before the Board to provide a status report. Dr. Cox informed the Board that he was still employed as a staff veterinarian for the Tennessee Farmer's Co-op.

Progress Report – Timothy Dalpiaz, DVM

As per the Order approved by the Board on April 19, 2006, Dr. Dalpiaz appeared before the Board to present proof of continuing education and other requirements for maintaining licensure. The Board waived the requirement that he personally appear before the Board in the future.

Progress Report – Philip Ensminger, DVM

As per the Order approved by the Board on April 27, 2005, Dr. Ensminger appeared before the Board to present proof of continuing education and other requirements for maintaining licensure. Mr. Shiva Bozarth, Board Attorney, presented an Order of Compliance to the Board. Ms. Jones made a motion, seconded by Dr. Kendrick, to approve the Order of Compliance. The motion carried.

Order of Compliance – Mary Ensminger, DVM

Mr. Shiva Bozarth, Board Attorney, presented an Order of Compliance to the Board. Dr. Ensminger had previously appeared before the Board at the April 24, 2008 board meeting. Dr. Kendrick made a motion, seconded by Dr. Lyons, to approve the Order of Compliance. The motion carried.

Progress Report – Sharon Folsom, DVM

As per the Order approved by the Board on December 13, 2006, Dr. Folsom appeared before the Board to present proof of completion of continuing education hours and other requirements for maintaining licensure. The Board waived the requirement that she make any future personal appearances before the Board.

Order of Compliance – Lee Anne Givan, DVM

As per the Agreed Order, approved by the Board on August 31, 2004, Dr. Givan appeared before the Board to report her successful compliance with all of the imposed conditions and restrictions. Dr. Lyons made a motion, seconded by Ms. Jones, to approve the Order of Compliance. The motion carried.

Progress Report – Richard D. Hinson II, DVM

As per the Order approved by the Board on August 24, 2005, Dr. Hinson appeared before the Board to present proof of continuing education and other requirements for maintaining licensure.

Progress Report – Gina M. May, DVM

As per the terms of the conditional license to practice veterinary medicine issued on April 24, 2008, Dr. May appeared before the Board to submit proof of completion of continuing education requirements.

Progress Report – Mark Roberts, DVM

As per the Order approved by the Board on April 19, 2006, Dr. Roberts appeared before the Board to present proof of continuing education and other requirements for maintaining licensure.

Progress Report – Jerry Truitt, DVM

As per the Order approved by the Board on December 13, 2006, Dr. Truitt appeared before the Board to present proof of completion of continuing education hours, staff training, and other requirements for maintaining licensure. The Board waived the requirement that he make any future personal appearances before the Board.

Agreed Order – Bob Page, Jr., DVM

John C. Lyell, Attorney, appeared as representative of Dr. Bob Page, Jr., DVM, who was not present. Mr. Shiva K. Bozarth, Assistant General Counsel, presented an Agreed Order to the Board for ratification. Dr. Lyons recused himself. Dr. Page practiced in a veterinary facility without a premise permit from approximately 2000 to 2007. Dr Page was assessed total civil penalties in the amount of \$3,050.00. Dr. Kendrick made a motion, seconded by Dr. Bondurant, to accept the Agreed Order. The motion carried.

File Review/Ratification

The Board reviewed a request for temporary licensure submitted by **Gregory D. Shaw, Jr.** The application listed Ralph William Pope, D.V.M. and Anthony Dwayne Peterson, D.V.M. as Supervising Veterinarians. Dr. Shaw and Dr. Pope were in attendance at the meeting and responded to questions from members of the Board. Dr. Kendrick made a motion, seconded by Dr. Bondurant, to grant the temporary license. The motion carried.

The Board reviewed an application for licensure as a certified animal euthanasia technician submitted by **Clara Faye Torres**. Ms. Torres answered “no” to the question on the application regarding conviction of a felony or a misdemeanor other than a minor traffic offense; however, she had been convicted of misdemeanor offenses in September, 1999. Upon review and discussion, Ms. Jones made a motion, seconded by Dr. Kendrick, to approve the application. The motion carried.

The Board reviewed an application for licensure as a certified animal euthanasia technician submitted by **Sue Woodrup**. Ms. Woodrup's fingerprints were electronically scanned three (3) times with each time resulting in unreadable prints, but she has no criminal record. Ms. Gordon made a motion, seconded by Dr. Kendrick, to approve the application. The motion carried.

Upon review, the Board moved to ratify all newly licensed/certified or reinstated veterinarians, veterinary medical technicians, veterinary facilities, certified animal euthanasia technicians, and certified animal control agencies and all applicant files closed pursuant to rule requirements.

Discussion/Presentation – Tennessee Veterinary Technicians Association (TVTA)

Ms. Amy Nunnally, President, TVTA, and Ms. Karen Walsh, LVT, CVT, appeared before the Board to discuss the requirements for licensure by reciprocity as a veterinary medical technician in Tennessee. They expressed concerns that the requirement that an applicant for licensure by reciprocity must have “engaged in active practice as a veterinary medical technician for the previous five (5) years before application” may prevent some veterinary technicians who are licensed in other states from obtaining licensure in Tennessee. Upon discussion, the Board requested that more specific information be submitted for review and discussion by the Board at a future date. The Board expressed their willingness and openness to possible rule amendments.

Discussion – Licensure Fee Increases

The Board considered its current financial status and discussed the topic of possible licensure fee increases. The latest financial report reflected the following:

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|--------------------------------------|------------------|
| Cumulative Carryover @ June 30, 2007 | -\$149,783.36 |
| Current Year Net @ June 30, 2008 | <u>43,731.15</u> |
| Cumulative Carryover @ June 30, 2008 | -\$106,052.21 |

Mary E. Ergen, D.V.M., President, Tennessee Veterinary Medical Association (TVMA), addressed the Board and stated that the TVMA would be opposed to any increase in fees for veterinarians, licensed veterinary medical technicians, or facility inspections. Ms. Megan Frazier, Attorney, TVMA Lobbyist, addressed the Board to discuss comments pertaining to the Board's deficit status made by the Governor during recent budget hearings. After review and questions, the Board voted to table the discussion regarding licensure fee increases until such time as a more detailed explanation of Board expenditures could be provided.

Review/Discussion of Approval of Course Providers for Chemical Immobilization

Upon review and discussion of submitted materials, the following course providers for the chemical immobilization/chemical capture of animals were approved by the Board for certification for animal chemical capture technicians in Tennessee:

James David Head, Director, Knox County Animal Control
3201 Division Street
Knoxville, TN 37919
(865)215-6685

Safe Capture International Inc.
P.O. Box 206
Mt. Horeb, WI 53572
(608)767-3071
www.safecapture.com

National Animal Control Association
P.O. Box 480851
Kansas City, MO 64148-0851
(913)768-1319
www.nacanet.org

Discussion – Posting Newsletters Electronically

The Board discussed the option of posting board newsletters electronically via the Board's internet web site with no mailing of the newsletter to licensees except upon request. The total cost to mail the newsletter is approximately \$3,000.00 which includes printing and postage. The Board requested information regarding the estimated cost to mail a postcard to licensees containing notification that the newsletter is available on the Internet. The discussion was tabled until the next board meeting.

Designation of Board Director and/or Board Administrator to Initially Review/Approve Application Files

Upon discussion, Ms. Jones made a motion, seconded by Dr. Bondurant, to designate the Board Director and/or Board Administrator to review and initially approve licensure applications provided that final approval of all applications is made and ratified by the Board. The motion carried.

2009 Board Meeting Dates

The following 2009 board meeting dates were established:

February 18th (rulemaking hearing)
April 22 & 23
August 19 & 20
December 9 & 10

Discussion – Agreed Citations

Ms. Alison Cleaves, Chief Deputy General Counsel, discussed the use of Agreed Citations in accordance with the policy statements adopted by the Board for those licensees found to be in non-compliance with continuing education requirements and those licensees found to be practicing on a lapsed license. Ms. Cleaves stated that the Agreed Citation constitutes formal disciplinary action by the Board and is reportable on the Department's Internet web site. She further clarified that the disciplinary action would not be reportable to the national databanks. The Board acknowledged their understanding of and agreement with this action.

Presentation – National Board of Veterinary Medical Examiners (NBVME)

Representatives of the NBVME, Dennis A. Feinberg, DVM, Chair, and Rick Tubbs, DVM, appeared before the Board for a presentation on the history and background of the NBVME and the services provided by the organization. An overview of the North American Veterinary Licensing Examination (NAVLE) process was presented along with a review of all NBVME examinations. The Board was asked to provide input regarding ways for improvements to present services and better communication. The Board expressed their appreciation to Drs. Feinberg and Tubbs for an excellent and informative presentation.

Office of General Counsel (OGC) Report

Mr. Shiva Bozarth, Board Attorney, reviewed the report with the Board. There is currently one set of rule amendments under review at the Office of the Attorney General. The Public Necessity Rules for the chemical capture of animals are also being reviewed. The rulemaking hearing for the adoption of the public necessity rules as permanent rules has been rescheduled for February 18, 2009. The Office of General Counsel currently has fifty-three (53) open complaints pertaining to the Tennessee Board of Veterinary Medical Examiners. An update of cases currently on appeal was provided. Mr. Bozarth also discussed/reviewed the recent change in the Board's legal representation and stated that one attorney now serves as the advisory attorney and litigating attorney for the board.

Investigations and Disciplinary Report

Ms. Juanita Stone, Disciplinary Coordinator, Office of Investigations, reviewed the reports with the Board. The report indicated there are currently fifty-one (51) open complaints in the Office of Investigations. An analysis of newly filed complaints categorized by allegation and month received and by geographical area and month received was included. The disciplinary report indicated that twenty-four (24) individuals are currently being monitored for compliance with Board orders.

Continued Education (CE) Audit Report

Ms. Lampley reviewed the report with the Board. During the audit period January – July, 2008, a total of sixty-seven (67) veterinarians were audited with six (6) licensees found to be non-compliant with CE requirements. A total of twenty-six (26) veterinary medical technicians were audited during this period with six (6) licensees found to be non-compliant with CE requirements.

Inspection Status Report

Dr. Robert Taylor, Board Consultant/Inspector, reviewed the inspection report. A total of two hundred thirty-three (233) inspections were conducted during the period of April, 2008 – November, 2008.

Director's Report

Ms. Lampley made note of the recent sad loss of Dr. Ron Wilson, DVM, State Veterinarian, and ex-officio member of the Board. Board members were informed that a scholarship had been endowed by the Davidson County Academy of Veterinary Medicine in his name at the University of Tennessee College of Veterinary Medicine. Donations may be sent to UTCVM; Development Office; Attn: Dr. Claire Eldridge; 2407 River Drive; Knoxville, TN 37996-4550.

The Veterinary Technician National Examination (VTNE) was administered on June 20, 2008 to thirty-seven (37) candidates. A total of twenty-two (22) candidates passed the examination. The examination will be administered to approximately twenty-five (25) candidates on January 16, 2009.

An invitation was received from the Tennessee Veterinary Medical Association (TVMA) to participate in the upcoming 2009 Music City Veterinary Conference scheduled to be held February 26 – March 1, 2009 at the Franklin Marriott Cool Springs. Ms. Lampley invited board members who would be in attendance at the conference to join her, if possible, at the table provided for the Board. It was noted that the opportunity to participate in the conference was greatly appreciated and looked forward to each year.

Ms. Lampley attended the American Association of State Veterinary Boards (AAVSB) Annual Conference held September 18-20, 2008 in Newport Beach, CA and provided a summary of the conference.

Report of Total Active Licensees as of November 30, 2008:

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|--|-------|
| Veterinarians: | 1,828 |
| Veterinary Medical Technicians: | 370 |
| Veterinary Facilities: | 631 |
| Certified Animal Euthanasia Technicians: | 218 |
| Certified Animal Control Agencies: | 57 |

Continuing Education Course Approval

The following requests for approval of continuing education hours were reviewed:

A request from **American Humane Association** for approval of continuing education hours for the following presentations:

July 14 – 15, 2008 – **“Basic Animal Emergency Services Training”** – Nashville, TN – 9.0 hours

July 16, 2008 – **“Bark...Stop, Drop, and Roll Training”** – Nashville, TN – 5.0 hours

A request from **Boehringer Ingelheim Vetmedica** for approval of two (2) continuing education hours for a presentation on **“Vetmedin – A drug for Congestive Heart Failure & Metacam – Using the Lowest Effective Dose”** held on October 9, 2008 in Johnson City, TN.

A request from **Chattanooga State Technical Community College/Veterinary Technology Program** for approval of eight (8) continuing education hours for the **2nd Annual Veterinary Medical CE Conference** held on October 18, 2008 in Chattanooga, TN.

A request from **Merial** for approval of two (2) continuing education hours for a presentation entitled **“Vaccines and Vaccinations 2008: The Facts vs. the Fiction”** held on April 14, 2008 in Knoxville, TN and on April 15, 2008 in Nashville, TN.

A request from **Merial** for approval of two (2) continuing education hours for a presentation entitled **“Clients with Flea Problems. What’s Really Going On?”** held on April 8, 2008 in Chattanooga, TN; April 9, 2008 in Nashville, TN; and on April 24, 2008 in Knoxville, TN.

A request from **Merial** for approval of two (2) continuing education hours for a presentation entitled **“Progress in Pain Management”** held on May 13, 2008 in Chattanooga, TN; November 18, 2008 in Knoxville, TN; and on November 19, 2008 in Nashville, TN.

A request from **Merial** for approval of two (2) continuing education hours for a presentation entitled **“Progressive Practices for Progressive Practices”** held on September 9, 2008 in Nashville, TN and Chattanooga, TN.

A request from **Pet Wellness Clinic, Inc.** for approval of one (1) continuing education hour for a presentation entitled **“New Answers for Flea Control”** held on June 24, 2008 in Jackson, TN.

A request from **Pfizer Animal Health** for approval of one (1) continuing education hour a presentation entitled **“Feline Heartworm Disease: A New Perspective”** held on September 15, 2008 in Bristol, TN.

A request from **Regional Institute for Veterinary Emergencies and Referrals (R.I.V.E.R.)** for approval of eight (8) continuing education hours for the **Summer Continuing Education Meeting** held on July 19, 2008 in Chattanooga, TN.

A request from **Tennessee Cattlemen’s Association** for approval of six (6) continuing education hours for the **2009 Tennessee Cattlemen’s Annual Convention** to be held January 22 – 24, 2009 in Pigeon Forge, TN.

A request from **Vétoquinol USA** for approval of one and one-half (1.5) continuing education hours for a presentation entitled **“Chronic Renal Disease and Therapies for Chronic Renal Disease”** held on October 29, 2008 in Knoxville, TN and on October 30, 2008 in Morristown, TN.

A request from **Webster Veterinary Supply** for approval of eight (8) continuing education hours for a Dental Wet Lab and Lecture entitled **“Veterinary Dentistry”** held on March 1, 2008 in Chattanooga, TN.

A request from **Webster Veterinary Supply** for approval of eight (8) continuing education hours for a **Dental Wet Lab** held on July 30, 2008 in Knoxville, TN.

A motion was made by Dr. Lyons, seconded by Dr. Kendrick, to deny the request for approval from the American Humane Association and to approve all other courses. The motion carried.

Correspondence

The Board reviewed all correspondence and requested that appropriate notification be given of any action taken or any comments made.

Election of Officers

The Board moved to elect the following officers:

President: C. Maben Thompson, DVM

Vice-President: James C. Lyons, DVM

Secretary: Marie Gordon, Consumer

Adjournment

There being no further business, the Board moved to adjourn at 4:25 p.m.

These minutes were ratified at the meeting held on February 18, 2009.