

BOARD OF VETERINARY MEDICAL EXAMINERS

Minutes

Date: December 15, 2010

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

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

Members Present: Bryan W. Bondurant, D.V.M., President
Janet Jones, L.V.M.T., Vice-President
Valisa Thompson, Consumer Member
Forrest W. Reynolds, D.V.M.
Joseph Kendrick, D.V.M., Secretary
Tiffani D. Rogers, D.V.M.
Charles R. Halford, D.V.M.
Charles Hatcher, D.V.M., State Veterinarian, Ex-officio Member

Staff Present: Rita Buckner-Shelton, Board Administrator
Lisa Lampley, Board Director
Benjamin C. Mezer, Board Attorney

Upon roll call and determination of a quorum being present, the Board meeting was called to order by Dr. Bondurant at 9:08 a.m.

Approval of Minutes

Ms. Jones made a motion to approve the August 25, 2010 minutes as amended. Dr. Reynolds seconded the motion. The motion carried.

Discussion – Representative Joe Pitts/Mr. Brandon Butts

Rep. Pitts and Mr. Butts appeared to ask the Board to consider granting Mr. Butts certification as an animal euthanasia technician or to consider a rule change and grandfathering Mr. Butts at the appropriate time if no remedy could be provided under the current rules. The Board previously denied Mr. Butts' application for certification at its meeting held on August 25, 2010. Mr. Butts is employed as a veterinary assistant at a veterinary facility which does not meet the definition of a certified animal control agency as required for certification as an animal euthanasia technician. The Board stated that the intent of the rule was to provide for euthanasia capability at certified animal control agencies and that the certification was not intended for individuals employed by and working under the supervision of a licensed veterinarian at a veterinary facility. Ms. Jones

made a motion to deny the request for certification based on this reason. Dr. Reynolds seconded the motion. The motion carried. Rep. Pitts asked the Board to consider a rule change and grandfathering clause to allow employees of a veterinary facility to become certified as animal euthanasia technicians.

Licensure Applicant Interview

Gary Edward Cook

The Board reviewed an application for certification as an animal euthanasia technician submitted by **Gary Cook**. Mr. Cook answered “yes” to the question on the application regarding conviction of a felony or misdemeanor other than a minor traffic offense. Mr. Cook was present to answer any questions from members of the Board. Comments were received from two (2) of his current supervisors in attendance with Mr. Cook. After discussion and review of the documentation provided by the applicant, Dr. Kendrick made a motion, seconded by Dr. Rogers, to approve the application. The motion carried.

Jartova Simeona Ivanova, D.V.M.

The Board reviewed an application for licensure as a veterinarian submitted by **Jartova Simeona Ivanova, D.V.M.** Dr. Ivanova was present and was represented by Ms. Rachel C. Nelley, Attorney. Dr. Ivanova answered “yes” to the questions on the application regarding previous disciplinary action. After discussion and review of the documentation provided by the applicant, Dr. Halford made a motion, seconded by Ms. Thompson, to approve the application. The motion carried.

Nicole D. Lawrence, L.V.M.T.

The Board reviewed an application for licensure as a veterinary medical technician submitted by **Nicole Lawrence, L.V.M.T.** Ms. Lawrence answered “yes” to the question on the application regarding conviction of a felony or misdemeanor other than a minor traffic offense. Ms. Lawrence was present to answer any questions from members of the Board. Comments were received from a witness in attendance with Ms. Lawrence. After discussion and review of the documentation provided by the applicant, Dr. Kendrick made a motion, seconded by Ms. Jones, to approve the application. The motion carried.

Progress Report – Richard Hinson, D.V.M.

As per the Order approved by the Board on August 24, 2005, Dr. Hinson appeared before the Board to present proof of continuing education hours and other requirements for maintaining licensure. Mr. Ben Mezer, Board Attorney, presented an Order of Compliance to the Board. Dr. Halford made a motion, seconded by Dr. Rogers, to approve the Order of Compliance. The motion carried.

Progress Report – Mark Roberts, D.V.M.

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

Progress Report – Gina M. May, D.V.M.

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

Progress Report – Bryan F. Bancroft, D.V.M.

As per the Order approved by the Board on August 19, 2009, Dr. Bancroft appeared before the Board to present proof of continuing education hours and compliance with other requirements for maintaining licensure.

Discussion – Jaeckle Centre

Representatives from the Jaeckle Centre previously appeared before the Board at its meeting held on August 25, 2010 to discuss their business enterprise in the State of Tennessee. The Board requested their attendance at this meeting to provide further details and a policy/procedures manual for their operation. Dr. Matthew Povlovich answered questions from the Board. The Jaeckle Centre is an equine athletic club which will offer a fitness program and a rehabilitation program for sport horses. Upon discussion and review, the Board stated that rehabilitative services constitute the practice of veterinary medicine and that a premise permit and supervising veterinarian would be required. An examination of the animal by a veterinarian would be required for all animals participating in the programs. The Board clarified that a written treatment protocol is sufficient for services to be provided under indirect supervision without the veterinarian being on-site.

Order of Compliance – Pamela J. Webb, D.V.M.

Mr. Ben Mezer, Board Attorney, presented the Order of Compliance to the Board. Dr. Kendrick made a motion, seconded by Ms. Jones, to approve the Order of Compliance. The motion carried.

Order of Compliance – Kevin H. Cox, D.V.M.

Mr. Ben Mezer, Board Attorney, presented the Order of Compliance to the Board. Dr. Rogers made a motion, seconded by Ms. Thompson, to approve the Order of Compliance. The motion carried.

Consent Order – Carl G. Royer, D.V.M.

Dr. Carl Royer was not present and was not represented by counsel. Mr. Ben Mezer, Assistant General Counsel, presented the Consent Order to the Board for ratification. Dr. Royer failed to

completely remove the growth bed when declawing a feline and failed to properly document the amount of medications he administered. Dr. Royer agreed to a reprimand of his license and to complete an additional two (2) hours of continuing education in the area of pain management by December 31, 2010. Dr. Royer agreed to pay costs in this matter. Ms. Jones made a motion, seconded by Dr. Rogers, to accept the Consent Order. The motion carried.

Financial Report

A copy of the financial report was available for review. The report reflected revenue collections in the amount of \$572,328.21 and direct expenditures in the amount of \$307,403.21 as of June 30, 2010 for FY2010.

Discussion – 2011 Music City Veterinary Conference

The Music City Veterinary Conference is scheduled to be held February 24 – 27, 2011 at the Franklin Marriott Cool Springs in Franklin, TN. Ms. Jones made a motion, seconded by Dr. Kendrick, to approve Ms. Lampley to attend and set up a table/booth at the conference. The motion carried.

Rules Draft

Mr. Mezer presented the proposed rule changes. Mr. Mezer informed the Board that they could discuss the proposed rules at their next meeting and authorize a rulemaking hearing to be held at the August, 2011 meeting; or, they could hold a board meeting at the end of January or early February whose sole purpose would be to discuss the rules and authorize a rulemaking hearing to be held at the April 20, 2011 board meeting. Upon discussion, the Board consensus was to hold an extra meeting in January or February to discuss the proposed rules.

Office of General Counsel (OGC) Report

Mr. Ben Mezer, Board Attorney, reported that the Office of General Counsel currently has seven (7) open disciplinary cases pertaining to the Board of Veterinary Medical Examiners and one (1) consent order that had already been presented to the Board today.

Investigations and Disciplinary Report

Ms. Juanita Stone, Disciplinary Coordinator, reported that there are currently forty-six (46) open complaints in the Office of Investigations. The disciplinary report indicated that twenty (20) individuals are currently being monitored for compliance with Board orders.

Inspection Status Report

Ms. Lampley reported that a total of one hundred fifty-six (156) inspections were conducted during the period of August 2010 - November 2010.

Director's Report

Ms. Lampley reported that she and Dr. Bondurant had attended the American Association of Veterinary State Boards (AAVSB) Annual Conference held September 16 – 19, 2010 in Baltimore, Maryland and that it was a very valuable and informative conference. Summaries of the conference presentations are available on the AAVSB website at www.aavsb.org. Next year's meeting will be held September 15th – 17th in New Orleans, Louisiana.

Effective October 1, 2010, the in-state maximum lodging rate for Davidson (Nashville) is \$110.00 and meals and incidentals are \$66.00 per day. In-state meals and incidentals are reimbursed at 75% for day of departure and/or day of return.

Report of Total Active Licensees as of November 30, 2010:

Veterinarians:	1,938
Veterinary Medical Technicians:	415
Veterinary Facilities:	671
Certified Animal Euthanasia Technicians:	230
Certified Animal Control Agencies:	61

Continuing Education Course Approval

A request has been received from **Regional Institute for Veterinary Emergencies and Referrals (R.I.V.E.R.)** for approval of continuing education hours for **“Emergency & Critical Care Continuing Education”** held August 24th, September 21st, November 23rd, and December 21, 2010 in Chattanooga, TN.

A request has been received from **Boehringer Ingelheim** for approval of two (2) continuing education hours for a presentation entitled **“Lepto & Its Zoonotic Potential”** held August 17, 2010 in Nashville, TN.

A request has been received from **Webster Veterinary Supply** for approval of eight (8) continuing education hours for a seminar entitled **“The Foundation for Expanding your Veterinary Dental Services”** held October 24, 2010 in Chattanooga, TN.

A request has been received from **Lisa Twark, DVM**, for approval of continuing education hours for the following programs offered by the **Humane Alliance of WNC, Inc.** in Asheville, NC:

“The Snip! Summit” – April 1-2, 2011 - Ten (10) hours for participation in full two-day veterinary workshop and/or two (2) hours for participation in a wet lab session on April 3, 2011

“In-house Supervised Surgery Experience” – Seven (7) hours for each 9+ hour day with a maximum of twenty-one (21) hours per person per year

A request has been received from the **Chi Institute of Chinese Medicine** for approval of thirty-seven (37) continuing education hours for the following courses to be held December 16 – 20, 2010 in Reddick, Florida:

“Equine Acupuncture Class”
“Mixed Practice Acupuncture Class”
“Small animal Acupuncture Class”

A request has been received from the **Chi Institute of Chinese Medicine** for approval of continuing education hours for the following courses to be held in calendar year 2011 in Reddick, Florida:

“Spring Acupuncture Program” – One hundred thirty (130) hrs.
“Fall Acupuncture Program” – One hundred thirty (130) hrs.
“Equine TCVM Diagnostics & Advanced Acupuncture” – Twenty-eight (28) hrs.
Small Animal TCVM Diagnostics & Advanced Acupuncture” – Twenty-eight (28) hrs.

A request has been received from the **Tennessee Cattlemen’s Association** for approval of six (6) continuing education hours for the **Tennessee Cattlemen’s Association 2011 Convention and Trade Show** to be held January 20 – 22, 2011 in Pigeon Forge, TN.

A request has been received from **Rossi Ann House, DVM** for approval of continuing education hours for employment as a **Neurology Resident** at the University of Florida College of Veterinary Medicine.

A request has been received from **Wesley Justin Roach, DVM** for approval of continuing education hours for participation in a **Small Animal Surgery Residency** at the University of Georgia College of Veterinary Medicine.

A motion was made by Ms. Jones, seconded by Dr. Kendrick, to approve all courses. The motion carried.

Ratifications

A motion was made by Dr. Kendrick, seconded by Dr. Reynolds, to approve the presented list of newly licensed/certified or reinstated veterinarians, veterinary medical technicians, veterinary facilities, certified animal euthanasia technicians, and certified animal control agencies and the list of applicant files that were closed. The motion carried.

Board Correspondence

The Board reviewed correspondence from Representative Henry Fincher regarding his constituent’s concerns about the necessity of an office visit for obtaining prescription heartworm medicine. The Board stated that the requirement for an exam prior to releasing a prescription is up to the individual practitioner, and he or she establishes the protocol and that this is not an issue within the Board’s regulatory authority. The Board further stated that most practitioners abide by the American Heartworm Society guidelines.

Adjournment

There being no further business, the Board moved to adjourn at 2:07 p.m.

These minutes were ratified at the meeting held on April 27, 2011.