



## South Carolina Department of Labor, Licensing and Regulation

Mark Sanford  
Governor

Adrienne Riggins Youmans  
Director

## South Carolina Board of Veterinary Medical Examiners

110 Centerview Drive  
Post Office Box 11329  
Columbia, SC 29211-1329  
Phone: (803) 896-4598  
FAX: (803) 896-4719  
www.llr.state.sc.us

Minutes of the South Carolina Board of Veterinary Medical Examiners  
Regular Meeting  
January 22, 2009

Synergy Business Park, Kingstree Building, Room 202-02  
110 Centerview Drive, Columbia, South Carolina

**Board members present were:**

Paul D. Patrick, D.V.M., Chairman  
James M. Harris, D.V.M., Vice-Chairman  
Albert W. Platt, III, D.V.M.  
Vanessa B. Brooks, D.V.M.  
Christine Hartman, L.V.T.  
David M. Oliver, D.V.M.  
Cindy W. Nord, Ph.D.

**Board Member excused absence was noted for:**

Glen B. Haynes, D.V.M.  
Stephen G. Colquhoun, D.V.M.

**Staff and Others present were:**

Kate K. Cox, Board Administrator  
Sheridon Spoon, Advice Attorney to the Board  
P.C. Faglie, LLR Investigations and Enforcement  
George Patterson, LLR Investigations and Enforcement  
Magdalene W. Moton, Board Administrative Assistant  
Marcia Rosenberg

---

**CALL TO ORDER:**

The Regular Session of the South Carolina Board of Veterinary Medical Examiners was held at the Synergy Office Park, Kingstree Building, 110 Centerview Drive, Room 202-02, in Columbia, South Carolina. Whereas, proper notice of date, time, place and agenda information having been properly provided to THE STATE NEWSPAPER and ASSOCIATED PRESS and proper notice also having been posted at the LLR Office Building 24 hours prior to the time scheduled for the meeting and a quorum having been noted as present, Chairman Dr. Patrick called the meeting to order at 9:04 a.m. All votes referenced herein were unanimous unless otherwise noted.

**APPROVAL OF AGENDA:**

**Motion:** A motion was made to approve the Agenda as presented. The motion was seconded. The motion carried.

**APPROVAL OF MINUTES:**

**Motion:** A motion was made by Dr. Platt to accept the October 23, 2008 minutes of the last meeting as printed. Dr. Harris seconded the motion. The motion carried.

**CHAIRMAN REMARKS:**

Dr. Patrick reported that he did not have any contact with Dr. Dennis Feinberg who requested to appear before the Board to do a National Board of Veterinary Medical Examiners (NBVME) presentation. Dr. Harris reported that he had spoken with Dr. Feinberg and was informed that NBVME will submit an appearance notice to the Board on behalf of Dr. Feinberg. Mrs. Cox added that the NBVME has submitted the appearance notice.

**ADMINISTRATOR'S REPORTS:**

**Administrative Report:**

Mrs. Cox reported to the Board on the number of active licensees to date; on LLR's new Office of Licensure and Compliance which will conduct renewals; on the new expiration date for license renewal to be March 31, 2011 for both veterinarians and veterinary technicians; on implementation of the online veterinary and licensed veterinary technician jurisprudence exams; on the complaint issues statistics of the last three years; and on the continuance of monthly audits of complaints and facility inspections. She added that the proposed time-out date for the proposed regulations is March 31, 2009 with April 24, 2009 being the effective date. Mrs. Cox asked for volunteers to attend proposed regulations sessions to be held at the State House. She also reported on other State House legislation in regards to animal, livestock and poultry; on a request from the NBVME on behalf of Dr. Feinberg to appear and present a one hour presentation of NBVME's history; and on the January 30, 2009 Lowcountry Veterinary Association's meeting where Mrs. Cox and Ms. Dantzler are invited to make a licensure presentation.

Mrs. Cox asked if any Board members needed picture identifications for the Agency and informed them of the April 16, July 30 and October 22, 2009 Board meeting dates.

Mrs. Cox reported that financial information is available upon request. She reported the Board is financially sound and has had no audit exceptions. She stated that the financial reports regarding the Board are kept in the LLR Finance Office and monthly statements are also maintained in the Board's office.

**DISCIPLINARY ISSUES:**

**IRC Report**

The Investigative Review Committee Report (IRC) was given by Chairman Dr. Patrick. The IRC report, as per the January 14, 2009 IRC meeting, was to dismiss eight (8) alleged complaints, authorize two (2) Formal Complaints, dismiss one (1) with a letter of caution, and dismiss three (3) complaints with Cease and Desist Orders.

**Motion:** A motion was made by Dr. Platt to accept the January 14, 2009 IRC recommendations with the exception that (1) dismissed complaint be submitted to legal for language interpretation for "dentistry". Dr. Brooks seconded the motion. The motion carried.

**LEGAL:**

Mrs. Cox introduced Sheridan Spoon, LLR Advice Attorney who was attending the Board meeting in the absence of Sharon Dantzler. No legal business was presented for discussion.

UNFINISHED BUSINESS:

Expert Reviewers Guideline

Mrs. Cox reported to the Board that Sharon Dantzler had formatted language on the "Guidelines for Use of Expert Reviewers" which was presented by Dr. Platt and Dr. Brooks at the last Board meeting. A copy of the draft was included in the Board meeting notebooks.

Dr. Patrick commended Dr. Platt and Dr. Brooks for formatting the recommendations of expert reviewers for the Board's disciplinary proceedings.

**Motion:** A motion was made by Dr. Brooks to accept Attorney Dantzler's formatted language of the "Guidelines for Use of Expert Reviewers" and to use these guidelines as standard guidelines during the Board's disciplinary proceedings. Dr. Nord seconded the motion. The motion carried.

NEW BUSINESS:

Euthanasia/Animal Shelters:

Dr. Patrick asked Mrs. Moton to summarize inquiries she received pertaining to veterinary technicians and euthanasia in animal shelters. Mrs. Moton reported she received inquiries wanting to know if a certified veterinary technician, who is not licensed in South Carolina but has received euthanasia certification in another state, can perform euthanasia in animal shelters in South Carolina. She noted supervision was part of this concern.

Dr. Patrick responded that he is not clear what grounds the Board has over animal shelters. Dr. Platt reported the Board has no control over animal shelters and the State Legislature passed a licensure bill for shelters and controlled substances for euthanasia. Mrs. Cox asked Mr. Spoon as a courtesy to the Board to research the qualifications of those administering euthanasia drugs in animal shelters.

Mrs. Moton also stated the office has received concerns from the public questioning the definition of direct and in-direct supervision and questioning who should be administering rabies vaccines. Mrs. Cox stated definitions of supervision types are in the statute Section 40-69-20. She added that duties of a licensed veterinary technician were well defined in the proposed regulations. Dr. Platt stated that in the new regulations, Section 120.8, that vaccination records and compliance must be concurrent with the Department of Health and Environmental Control (DHEC), Bureau of Drug Control's Regulations.

As Discussion: Facility Inspections

Dr. Platt reported that over the years, his practice has been inspected on several occasions with the last inspection resulting in the non-display of his license renewal card. Dr. Platt added that further clarification in displaying the license renewal card is needed. Ms. Cox asked Mrs. Moton to update the website to reflect a notice to licensees in Board News about the statute pertaining to the display of licenses. Attorney Spoon reported that licenses are the original license that is issued and the renewal of that license.

Election for Board Officers for 2009

Chairman Dr. Patrick called for the election of officers for the Board.

**Motion:** A motion was made by Dr. Platt to nominate Dr. Harris as Chairman. Dr. Patrick seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Oliver to nominate Dr. Platt as Vice Chairman. Dr. Patrick seconded the motion. The motion carried.

**Motion:** A motion was made by Dr. Harris to nominate Dr. Oliver as Secretary. Dr. Brooks seconded the motion. The motion carried.

#### DISCUSSION TOPICS:

##### Cease and Desist Orders/Expert Reviewers

Dr. Platt stated his observances of non-enforcement of Cease and Desist Orders and also the need to contact board certified specialists to facilitate in the complaint process with their services as expert reviewers. In regards to Cease & Desist Orders, Mr. Spoon added there are follow-ups and the percentage of those receiving orders will cease and desist practicing. Mrs. Cox said she would tell the investigators of the board's concern. In regards to expert reviewers, Mrs. Cox asked Board members to submit names of board certified specialists. Dr. Platt suggested that along with the names previously submitted, Mrs. Cox may wish to contact the SCAV for board certified specialists referrals.

##### Rabies Vaccines

Dr. Brooks questioned whether or not the owner of a pet can decline a veterinarian administering a rabies vaccine. Dr. Patrick stated that he does not force the owner to have the rabies vaccine administered; however, he informs the client that they are in violation of the law. Dr. Platt added that his practice refuses to further treat or board the animal and that DHEC's proposed rabies regulations will have a significant impact on the daily duties of licensed veterinarians.

##### Board News

Dr. Harris stated that currently, the Board's website is the only source of information and not all licensees visit the website. He asked about a service to inform licensees of important issues such as email blasts or mailings when necessary. Mr. Spoon stated that newsletter mailings are costly and the Board's website does provide a wealth of information. Mrs. Cox added that the Board's website is updated regularly; that licensees are becoming more accustomed to the web, and that she will inquire about e-mail blasts.

##### Relocation of Veterinarian

Dr. Brooks questioned if it is misrepresentation on the part of a previous employer, not to inform clients that a veterinarian is no longer employed by the practice. Mr. Spoon advised the Board that a client should follow-up by filing a complaint with the Board if there is a misrepresentation of facts. Ms. Hartman questioned procedures to take when receiving or hearing complaints on a veterinarian. Mr. Spoon stated to inform the person to file a complaint with the Board and to instruct the person that being a Board member prohibits you from hearing any complaint information outside of a hearing. He reminded the members if they do get information before or have prior knowledge of complaint matters, the Board member would be recused from any disciplinary proceedings in that matter.

#### PUBLIC COMMENT:

Mrs. Rosenberg questioned the exclusion of two (2) October 2008 formal complaints from public notice which Litigation Attorney Pat Hanks stated would be processed within sixty (60) days. Mrs. Cox stated that sixty days can be small time frame and there is no way of predicting a certain time limit for disciplinary matters. Mrs. Rosenberg requested a copy of the January 14, 2009 IRC Report. Mrs. Cox stated a copy will be issued to Mrs. Rosenberg.

Dr. Harris questioned what procedures are taken when a case is resubmitted to legal for review. Mrs. Cox stated that an expert reviewer would be contacted who has expertise in the area of practice being addressed to review the case or advise the attorney on an issue. She said the reviewer studies the investigative materials and references the standard of care. She said reviewers give the attorney the scope of practice knowledge needed. She stated expert reviewers are needed to insure the written language within the legal document is correct and that the standard of care is being represented correctly. Mrs. Cox added that such reviews can result in longer time frames.

**ANNOUNCEMENTS:**

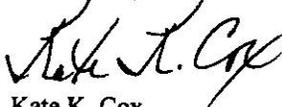
Dr. Patrick reminded Board members of the April 15, 2009 deadline to file Statement of Economic Interests forms and, the form has been provided in today's board meeting notebooks, as well as the electronic information on filing.

It was announced the next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, April 16, 2009.

**ADJOURNMENT:**

There being no further business the meeting was adjourned at 10:55 a.m.

Respectfully submitted,



Kate K. Cox  
Administrator