



Nikki Haley
Governor

Catherine B. Templeton
Director

South Carolina
Department of Labor, Licensing and Regulation
Board of Veterinary Medical Examiners


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Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting and Disciplinary Appearances
April 14, 2011
Synergy Business Park, Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina, 29211

Board members present were:

David M. Oliver, D.V.M., Chairman
Vanessa B. Brooks, D.V.M., Vice Chairman
Oswald H. "Sonny" King, D.V.M., Secretary
James M. Harris, D.V.M.
Christine Hartman, L.V.T.
Cindy W. Nord, Ph.D.
Albert W. Platt, III, D.V.M.
Walter C. Robinson, D.V.M.

Board member with excused absence was:

Bryan K. Cribb, D.V.M.

Staff and others present were:

Tina Behles, PPR Court Reporter
Kate K. Cox, LLR Administrator
P.C. Faglie, LLR Investigations and Enforcement
Dean Grigg, Esquire, LLR Hearing Advisor
Pat Hanks, Esquire, LLR Litigation Attorney
Charles Ido, Interim Assistant Deputy Director OBS
Charlotte A. Krugler, D.V.M.
Mag Moton, LLR Administrative Assistant
Marcia Rosenberg
Sheridon Spoon, Esquire, LLR Advice Attorney
Terri Stephens, LLR Investigations and Enforcement
Elizabeth L. Zboran
Michael S. Zborn, D.V.M.

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 105, 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. Oliver called the meeting to order at 9:00 a.m. All votes referenced herein were unanimous unless otherwise noted. One excused absence was noted.

APPROVAL OF AGENDA:

Motion: A motion was made by Dr. Brooks to approve the Agenda as presented. Dr. Nord seconded the motion. The motion carried.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Robinson to accept the January 27, 2011 Minutes of the last meeting as printed. Dr. Brooks seconded the motion. The motion carried.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was given by the Chairman, Dr. Oliver. The IRC Report, as per the March 30, 2011 IRC meeting, was to dismiss five (5) complaints, and to authorize two (2) Formal Complaints.

Motion: A motion was made by Dr. Platt to accept the IRC Report for five (5) Dismissals as presented and two (2) Formal Complaints. The motion was seconded by Dr. Harris. The motion carried.

ADMINISTRATOR'S REPORTS:

Administrative Report:

The new Director for LLR was announced to be Catherine B. Templeton. Other LLR staffs of interest to the Board were noted to be:

Deputy Director of Professional and Occupational Licensing (POL) - Rion Alvey

Interim Assistant Deputy Director of Office of Board Services (OBS) - Charles Ido

Advice Attorney - Sheridan Spoon

Litigation Attorney - Pat Hanks and Lillia Ann Gray

Administrative Assistant - Mag Moton

Other Board Assistants to Mrs. Cox - Susan Harrington and Sandy Dickert

Mr. Ido addressed the Board and offered his services to assist the Board in any way, and he was introduced to the Board members.

The statistics for licensees was reported to be: Licensed Veterinarians - 1559 and Licensed Veterinary Technicians - 293 for a total of 1852 licensees. 26 veterinarians and 12 veterinary technicians have been issued licenses since the last Board meeting; 2 temporary licenses were processed for veterinarians; 0 temporary licenses were processed for a veterinary technician; and five (5) licenses for veterinarians were reinstated. It was reported the renewal deadline for Veterinarians and Veterinary Technicians was March 31, 2011 and late renewal deadline will be April 30, 2011. It was also noted 163 veterinarians and 35 veterinary technicians are in a late renewal status.

OIE/OGC Reports were given to be: Office of Investigations and Enforcement (OIE) for Complaints: 36 complaints in investigation and Office of General Counsel (OGC) Legal Issues: 4 cases are in legal. Mrs. Cox reviewed the Complaint Monitor Log as information. She said complaint case investigations and legal matters are reviewed monthly and the results are reported to supervisors for OIE or OGC as satisfactory or need attention.

The Financial Report is provided as information with the cash balance figures provided for the last two years and this year to date. It was noted the Board is audited annually; monthly financial reports are kept in the staff office and in the Financial Department of LLR; expenditures are carefully considered and are expended based on the financial report's balance; and future travel will be submitted to Mrs. Cox for approval based on budget review. Mrs. Cox reminded the Board of the filing of the Statement of Economic Interests which must be done by April 15, 2011.

Mrs. Cox reported on Legislation in 2011 for the pre-filed Bill 3125 regarding the transfer of the state veterinarian from Clemson University to the Department of Agriculture with all assets and liabilities. Dr. Harris noted that there may also be a bill in the Senate regarding euthanasia.

DISCIPLINARY ISSUES:

Kevin D. Allison, D.V.M. Consent Agreement:

A Consent Agreement was presented to the Board by Mr. Hanks which had been signed by the Respondent, Dr. Allison. Dr. Allison was not present and nor was his attorney. The Board was represented by Mr. Hanks and a court reporter was present. A quorum was noted as present and the Consent Agreement was presented.

Motion: A motion was made by Ms. Hartman to go into Executive Session to discuss the Consent Agreement request. The motion was seconded by Dr. Robinson. The motion passed.

Motion: A motion was made by Dr. King to come out of Executive Session. The motion was seconded by Dr. Nord. The motion passed.

Motion: A motion was made by Dr. Robinson to deny the signed Consent Agreement from Dr. Allison. Discussion followed. The motion was seconded by Dr. Platt. The motion passed.

Victoria Ann Hurst, D.V.M. Consent Agreement:

A Consent Agreement was presented to the Board by Mr. Hanks which had been signed by the Respondent, Dr. Hurst, who was not present. It was stated that Dr. Hurst's attorney was not present. The Board was represented by Mr. Hanks and a court reporter was present. A quorum was noted as present and the Consent Agreement was presented.

Motion: A motion was made by Dr. Brooks to go into Executive Session to discuss the Consent Agreement request. The motion was seconded by Dr. Harris. The motion passed.

Motion: A motion was made by Dr. Nord to come out of Executive Session. The motion was seconded by Dr. King. The motion passed.

Motion: A motion was made by Dr. Harris to accept the public Consent Agreement from Dr. Hurst. The motion was seconded by Dr. Robinson. The motion passed, with one (1) No vote having been cast.

Michael S. Zboran, D.V.M. Memorandum of Agreement and Stipulations (MOA) and Hearing:

A MOA regarding unlicensed practice was presented to the Board by Mr. Hanks which had been signed by the Respondent, Dr. Zboran. It was stated that Dr. Zboran did not choose to be represented. The Board was represented by Mr. Hanks and a court reporter was present. A quorum was noted as present and the MOA was presented; and the hearing proceeded.

Motion: A motion was made by Ms. Hartman to go into Executive Session to discuss the MOA and hearing. The motion was seconded by Dr. Robinson. The motion passed.

Motion: A motion was made by Dr. Brooks to come out of Executive Session. The motion was seconded by Dr. Nord. The motion passed.

Motion: A motion was made by Dr. Platt to accept the MOA and to issue a Public Order to Dr. Zboran as a sanction in the matter. It was stated the Order will be public and posted on the Board's web site. The motion was seconded by Dr. Nord. The motion passed.

LEGAL:

There was no legal business.

UNFINISHED BUSINESS:

Dr. Platt discussed the response letter from AAVSB regarding the RACE approval process for continuing education sponsor applicants, criteria for continuing education subject matter, denial of applicants, and timelines for the process. Discussion followed. The Board asked Dr. Platt to write a letter of closure to AAVBS on the RACE issues and to note the Board's frustration with the responses to the Board on this matter. It was noted that for SC licensees, RACE is not the only approval process. It was stated that any education at a major meeting is recognized for CE approval and any provider of CE can ask for SC approval through the Board.

NEW BUSINESS:

Question Regarding Sharing Electronic Records:

The Board discussed a letter questioning the ethics of sharing electronic records on patients. It was stated that patient confidentiality is the issue. Legal opinions from Ms. Dantzler and Mr. Spoon were discussed that sharing any diagnosis and treatment records would be unethical unless with another veterinarian or in certain legal settings. It was stated that sharing client lists would have some risks associated. The Board asked Mr. Spoon and Mrs. Cox to develop a letter to help veterinarians make decisions on requests to share or release lists/records that would offer a "safe harbor" for their decision.

ESF-17 Annex and SOP:

Dr. Krugler appeared before the Board to discuss emergency management terminology and the use of in-state and out-of-state veterinarians. She asked for wording for the contact entity for the state and who can be called from the veterinary community. The Board responded that LLR would be the contact and the Board has a list of volunteers of licensed veterinarians and licensed veterinary technicians who can be called and trained for emergencies. Dr. Krugler asked can the list be shared. The Board responded yes the list would be available through FOIA. Dr. Krugler also discussed agreements between states and the federal government for teams of helpers to come into SC. Advice counsel advised that more information would be needed and when presented would be sent to the appropriate entities.

Confirmation of Investigative Review Committee (IRC) Members for 2011:

Motion: A motion was made by Dr. Robinson to accept the list of names for the persons serving on the IRC Committee. Discussion followed. The motion was seconded by Ms. Hartman. The motion passed.

DISCUSSION TOPICS:

There was no discussion.

PUBLIC COMMENT:

There was none.

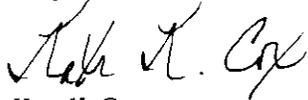
ANNOUNCEMENTS:

It was announced the next meetings of the South Carolina Board of Veterinary Medical Examiners will be July 14 and October 27, 2011. An additional reminder was given concerning the SC Economic Interests Statement filing due on April 15, 2011.

ADJOURNMENT:

There being no further business the meeting was adjourned at 1:00 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kate K. Cox".

Kate K. Cox
Administrator