



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
July 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
Bryan K. Cribb, D.V.M.
James M. Harris, D.V.M.
Christine Hartman, L.V.T.

Board members with excused absence were:

Cindy W. Nord, Ph.D.
Albert W. Platt, III, D.V.M.
Walter C. Robinson, D.V.M.

Staff and others present were:

Kevin D. Allison, D.V.M.
Wayne Brennessel, Humane Society
Darra Coleman, Attorney
Kate K. Cox, LLR Administrator
P.C. Faglie, LLR Office of Investigations and Enforcement (OIE)
Lilla Ann Gray, LLR Litigation Attorney, Office of General Counsel (OGC)
Pat Hanks, Esquire, LLR Litigation Attorney, OGC
Mag Moton, LLR Administrative Assistant
Marcia Rosenberg
Mark Sanders, LLR Investigations and Enforcement, OIE
Sheridon Spoon, Esquire, LLR Advice Attorney
Terri Stephens, LLR Investigations and Enforcement, OIE
Tami Watters, PPR Court Reporter

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 9:05 a.m. All votes referenced herein were unanimous unless otherwise noted. Three excused absences were noted.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. King to accept the April 14, 2011 Minutes of the last meeting as printed. Ms. Hartman 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 June 22, 2011 IRC meeting, was to dismiss three (3) complaints, and to authorize four (4) Formal Complaints, and issue two (2) Cease & Desist Orders. There were no questions.

Motion: A motion was made by Dr. Cribb to accept the IRC Report for three (3) Dismissals as presented, to authorize four (4) Formal Complaints, and to issue two (2) Cease & Desist Orders. The motion was seconded by Dr. Harris. The motion carried.

The OIE and OGC Management Reports were given by Mr. Sanders and were accepted as information by the Board.

APPLICATION REVIEW HEARING:

Application Hearing for Dr. Nancy Kay:

Dr. Kay requested an application hearing regarding her application for licensure by Endorsement with a non passing score on her National Board Examination in 1982. With her agreement Dr. Kay was not present and was not represented by counsel. Mr. Spoon advised the Board. A court reporter was present. Dr. Kay's application materials and letters of support were presented.

Motion: A motion was made by Dr. Brooks to go into Executive Session. The motion was seconded by Ms. Hartman. The motion passed.

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

Discussion followed to look into what would have been a passing score for the National Board in general in 1982 and passing scores for New York where Dr. Kay took the examination and for California where she got initial licensure at that time. The Board tabled the completion of the hearing in order to get the requested information.

DISCIPLINARY ISSUES:

Kevin D. Allison, D.V.M. Memorandum of Agreement and Stipulations (MOA) and Hearing:

A MOA regarding a formal complaint against Dr. Allison was presented to the Board by Mr. Hanks which had been signed by the Respondent, Dr. Allison. Dr. Allison was represented by Darra Coleman. The Board was represented by Mr. Hanks and a court reporter was present. Sheridan Spoon advised the Board as the Hearing Advisor. A quorum was noted as present. The MOA was presented; and the hearing proceeded.

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

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

Motion: A motion was made to Dismiss the complaint. The motion was seconded. The motion passed.

Continued Application Hearing for Dr. Nancy Kay:

Mrs. Cox and Mrs. Moton reported they contacted AASVB; and AAVSB stated there was no general national passing score in 1982. AAVSB reported that states used varying Standard Deviations; South Carolina used a 1.25 standard deviation; and Dr. Kay did not pass. AAVSB also reported California and New York used a 1.0 standard deviation which would have given Dr. Kay even a lower score. It was reported that Dr. Kay would have needed a Standard Deviation of 1.50 to pass. AAVSB reported that some states take into account different factors that might account for the scoring discrepancies and each state is sovereign in its licensure. South Carolina does not use various factors and does require a passing score.

Motion: A motion was made by Dr. Brooks to go into Executive Session. The motion was seconded by Dr. Cribb. The motion passed.

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

Motion: A motion was made by Dr. Brooks to allow Dr. Kay to continue the licensure process by meeting the requirements for licensure, to include submitting a passing score on a national examination which today is the North American Veterinary Licensing Examination (NAVLE). The motion was seconded by Dr. King. The motion passed.

ADMINISTRATOR'S REPORTS:

Administrative Report:

The statistics for licensees was reported to be: Licensed Veterinarians - 1488 and Licensed Veterinary Technicians - 279 for a total of 1767 licensees. It was reported since the last Board meeting 42 veterinarians and 11 veterinary technicians have been issued licenses; 0 temporary licenses were processed for veterinarians; 0 temporary licenses were processed for veterinary technicians; 8 veterinary intern licenses have been issued, and 18 licenses for veterinarians were reinstated.

The Complaint Monitor Log was presented as information for the Board.

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. Travel to the annual AAVSB was discussed and it was announced that Dr. Robinson will attend.

LEGAL:

There was no legal business.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

National Provider Identifier (NPI) Number Letter:

Mrs. Cox reported on a letter of information regarding NPI numbers was sent to the Board. She noted that a copy was also sent to the SC Board of Pharmacy. She reported from the letter and the AVMA enclosure that the NPI number was never intended to be required of veterinarians. The Board took this as information.

DISCUSSION TOPICS:

Dr. Dale M. Paley's appearance for a request from the Board was noted as being rescheduled for the next Board meeting upon a request from her.

Dr. King asked about someone from LLR possibly attending the SCVA Conference in October to talk about complaints and discipline. Mrs. Cox said she will check her calendar, speak with OIE, and call Marie Queen with SCAV.

PUBLIC COMMENT:

Mrs. Rosenberg asked for the meeting dates for 2012. Mrs. Cox stated she will send them as they are already set.

ANNOUNCEMENTS:

It was announced the next meetings of the South Carolina Board of Veterinary Medical Examiners will be October 27, 2011.

ADJOURNMENT:

There being no further business the meeting was adjourned at 11:50 A.M.

Respectfully submitted,



Kate K. Cox
Administrator