

Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting, Reinstatement Hearings, and MOA Disciplinary Hearing
November 6, 2014
Synergy Business Park, Kingstree Building, Room 108
110 Centerview Drive, Columbia, South Carolina 29211

Board members present were:

Oswald H. "Sonny" King, D.V.M., Chairperson
Bryan K. Cribb, D.V.M., Vice Chairperson
Vanessa B. Brooks, D.V.M.
Rebecca Hughes, D.V.M.
W. Marshall, Liger, III, L.V.T.
Rebecca I. Shealy, Consumer

Board members with excused absences:

Gretchen Love, D.V.M.
David M. Oliver, D.V.M.
Walter C. Robinson, D.V.M., Secretary

Staff and others present were:

Erin G. Baldwin, LLR Litigation Attorney, Office of Disciplinary Counsel
Tina Behles, Court Reporter
Kate K. Cox, LLR Administrator
Nathan J. Craddock, D.V.M.
P.C. Faglie, LLR Investigator
Nancy Flores, LLR Administrative Assistant
Tonya Goodwin, RPP
Charles A. Henry, D.V.M.
Mrs. Charles A. Henry
Rita M. McKinney, Esq.
H. Fred Kuhn, Esq.
Michael David Mains, D.V.M.
Marica Rosenberg
Frank Sheheen, RPP
Hardwick Stuart, LLR Advice Attorney
Jane W. Trinkley, Esq.

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, Chairperson Dr. King called the meeting to order at 9:10 a.m. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Cribb to accept the August 7, 2014 Minutes as printed. Mr. Liger seconded the motion. The motion carried.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was provided by Pleas Faglie and discussion followed.

Motion: A motion was made by Dr. Cribb to accept eight (8) Dismissals. The motion was seconded by Ms. Shealy. The motion passed.

Motion: A motion was made by Dr. Cribb to issue two (2) Cease & Desist Orders. Dr. Brooks seconded the motion. The motion passed.

Motion: A motion was made by Dr. Brooks to authorize seven (7) Formal Complaints. Dr. Cribbs seconded the motion. The motion carried.

OIE and OGC Management Reports:

The OIE and OGC Management Reports were given for OIE and OGC by Mr. Faglie and Ms. Baldwin. The reports were accepted as information by the Board.

REINSTATEMENT HEARING:

Motion for Reinstatement Hearing - Michael D. Mains, D.V.M.

A reinstatement hearing was held regarding reinstatement of licensure for Dr. Mains. Mr. Hardwick Stuart advised the Board. Dr. Mains was not represented. A court reporter was present. A quorum was noted as present. The hearing commenced.

Motion: A motion was made by Dr. Cribb to go into Executive Session for legal advice. The motion was seconded by Dr. Hughes. The motion carried.

Motion: A motion was made by Dr. Cribb to come out of Executive Session. The motion was seconded by Mr. Liger. The motion carried.

Motion: A motion was made by Dr. Brooks to accept the application of reinstatement and to require Dr. Mains remain in the Alabama recovery program until his program is complete in the spring of 2015 or enter one in South Carolina which would be RPP for the remaining time. The motion was seconded by Dr. Cribb. The motion carried. It was stated that an order will be written.

DISCIPLINARY MOA AND STIPULATION OF FACTS HEARING:

MOA Hearing – Case #2012-41 and Case 2013-4:

A hearing with a Memorandum of Agreement and Stipulation of Facts was held for the Respondent in Case # 2012-41 and Case # 2013-4. Hardwick Stewart advised the Board. Erin Baldwin represented the state. Dr. Craddock was present and represented Ms. McKinney and Ms. Trinkley. A court reporter was present. A quorum was noted as present. The hearing commenced.

Motion: A motion was made by Dr. Brooks to go into Executive Session for legal advice. The motion was seconded by Dr. Cribb. The motion carried.

Motion: A motion was made by Dr. Cribb to come out of Executive Session. The motion was seconded by Ms. Shealy. The motion carried.

Motion: A motion was made by Dr. Brooks to accept the MOA, to issue a private reprimand; and to require the payment of \$240.00 in investigative fees. The motion was seconded by Mr. Liger. The motion carried.

Respondent asked the Board for guidance in the future regarding practice in the mobile facilities; and the Board stated that everyone should practice with the same standards at a mobile facility as they do in their own brick and mortar office.

REINSTATEMENT HEARING:

Motion for Reinstatement Hearing - Charles A. Henry, D.V.M.

A reinstatement hearing was held regarding reinstatement of licensure for Dr. Henry. Mr. Hardwick advised the Board. Dr. Henry was represented by Mr. H. Fred Kuhn. A court reporter was present. Dr. Hughes was recused and left the meeting. A quorum was noted as present. The hearing commenced.

Motion: A motion was made by Mr. Liger to go into Executive Session for legal advice. The motion was seconded by Ms. Shealey. The motion carried.

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

Motion: A motion was made by Dr. Brooks accept the application for reinstatement and stated that Dr. Henry is the adhere strictly to the RPP guidelines and testing set for him. The motion was seconded by Mr. Liger. The motion carried. It was stated that Dr. Henry will be reinstated today and the Order will follow.

RELINQUISHMENT PRESENTATION:

H. B. Kinard, Jr., D.V.M. Relinquishment

Ms. Baldwin presented the relinquishment that invalidates this license as notification and registration of the relinquishment for the Board.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with a staffing chart; licensure totals were given to be 1787 veterinarians and 405 veterinary assistants are licensed by the Board with a total of 2,192 licensees; and update on the continued wait for appointments for District 2, 3, 4, and 7. It was reported that Ken Kitts continues to do the facility inspections for the Board from a random list. It was requested that the Inspection Form be placed under Board News in the web site. It was reported that web site posting were done as requested regarding rabies, reclassification of tramadol by the DEA, and reclassifying hydrocodone combination products by the DEA.

Attendees for the AAVSB meeting in September 2014 were Dr. King and, Dr. Cribb. They reported on the meeting. Dr. Robinson was noted to have attended as a committee member for AAVSB under their auspices. A report on the meeting was given and CE tracking and election of officers was discussed.

Security of data, emails, and the LLR building were discussed. The DHEC Public Health Order was discussed. The Notice of Drafting (NOD) of Regulations to remove the old fee list from the Board Regulation 120-14 and state in 120-14 that the fees for the Board of Veterinary Medicine will be found in Chapter 10 will be done by LLR for the boards involved was noted.

Excused absences were noted for the record for Dr. Love, Dr. Oliver, and Dr. Robinson.

The Disciplinary Monitor Log Report:

The Disciplinary Monitor Log report was presented and accepted as information.

Financial Report:

Financial Report was given and accepted as information. It was announced the renewals for 2015 -2017 will be announced on January 5, 2015. It was stated that new fees for renewal will be in effect.

UNFINISHED BUSINESS:

Rabies vaccinations were discussed again by Dr. Brooks and the Board. It was noted again that labels and records must reflect the dosage and type of vaccine used. It was noted by Ms. Baldwin and Mrs. Cox that the IRC is aware of all matters that the Board discusses and knows the Board's positions.

NEW BUSINESS:

Proposal of Amendment to CE Regulation 120-6 (A) (2.a.)

Mark L. Cushing of Tonokon Torp, LLP wrote and proposed amending this regulation to add more named sponsors to the CE regulation. After discussion and review, the Board did not agree to this proposal based on the process that is in place for a free application for CE providers to get approval and the process is simple and timely. It was discussed that no motion was needed to keep the process in place that is already there.

Election of Board Officers:

Mr. Stuart opened the floor for nominations for the three officers of the Board. Dr. Cribb was elected Chairman, Dr. Hughes was elected Vice Chairwoman, and Dr. Love was elected Secretary.

LEGAL:

Mr. Stuart noted that the officers elected today take effect today after the meeting.

DISCUSSION TOPICS:

There was no discussion

PUBLIC COMMENT:

Mrs. Rosenberg asked the name of the licensee who relinquished the license. It was stated again to be Dr. Kinard.

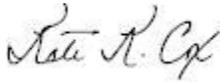
ANNOUNCEMENTS:

It was announced the meetings for 2015 will be on February 26, May 28, August 13, and November 5. It was also noted that the February meeting may need to be a two day commitment.

ADJOURNMENT:

Motion: Dr. King made a motion to adjourn as there was no further business to come before the Board. Dr. Cribb seconded the motion. The motion passed and the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

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

Kate K. Cox
Administrator