



South Carolina
Department of Labor, Licensing and Regulation

Board of Veterinary Medical Examiners



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Mark Sanford
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Director

Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting and Disciplinary Appearances
October 28, 2010
Synergy Business Park, Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina, 29211

Board members present were:

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

Board member with excused absence was:

David M. Oliver, D.V.M., Vice-Chairman

Staff and Others present were:

Brian C. Burton, D.V.M.
John H. Chappell, III, D.V.M.
Mark Chappell, Esquire
Darra J. Coleman, Esquire
Kate K. Cox, Board Administrator
P.C. Faglie, LLR Investigations and Enforcement
Pat Hanks, Esquire, LLR Litigation Attorney
Maureece Jones, RPP
Eddy Lane, LLR Hearing Officer
Libby J. McKay, D.V.M.
Janice Meetze, LLR Administrative Assistant
Marcia Rosenberg
Frank Sheheen, RPP
Terri Stephens, LLR Investigations and Enforcement
Tami I. Watters, RPR, Court Reporter
Richard Wilson, Esquire, RPP Counsel

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. Platt called the meeting to order at 9:10 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. Robinson to approve the Agenda as presented. Dr. Brooks seconded the motion. The motion carried.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Robinson to accept the July 15, 2010 Minutes of the last meeting as printed. Dr. King seconded the motion. The motion carried.

CHAIRMAN REMARKS:

Dr. Platt had no comments for the Board at this time.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was given by the Chairman, Dr. Platt. The IRC Report, as per the October 20, 2010 IRC meeting, was to dismiss six (6) alleged complaints, to authorize two (2) formal complaints, and dismiss one (1) complaint with a Letter of Caution.

Motion: A motion was made by Dr. Nord to accept the IRC Report for six Dismissals as presented. The motion was seconded by Dr. Harris. The motion carried.

Motion: A motion was made by Dr. Brooks to accept the IRC Report for authorizing two Formal Complaints as presented. The motion was seconded by Ms. Hartman. The motion carried.

Motion: A motion was made by Dr. Robinson to accept the IRC Report for one Dismissal with a Letter of Concern as presented. The motion was seconded by Dr. Brooks. The motion carried.

DISCIPLINARY ISSUES:

Brian C. Burton, D.V.M., License #1684 - Consent Agreement Hearing:

A Consent Agreement was present by Pat Hanks which was signed by the Respondent, Dr. Burton. The Board was represented by Mr. Hanks; a court reporter was present; Dr. Burton was present but did not bring representation; and Eddy Lane was the LLR Hearing Officer. A quorum was noted as present for the hearing. The presentation commenced.

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

Motion: A motion was made by Dr. Cribb to accept the Consent Agreement. The motion was seconded by Dr. Brooks. The motion carried.

John H. Chappell, III, DVM, License # 1196 and Libby J. McKay, DVM, License #1201 - Memorandums of Agreement and Stipulation (MOA) Hearing:

Dr. Platt was recused. Dr. Brooks conducted the hearing. Board was represented by Mr. Hanks; a court reporter was present; Dr. Chappell was present and represented by John H. Chappell; Dr. McKay was present and represented by Darra J. Coleman; and Eddy Lane was the LLR Hearing Officer. A quorum was noted as present for the hearing. The MOAs for both Respondents were presented by Mr. Hanks and the hearing commenced.

Motion: A motion was made by Ms. Hartman to go into Executive Session. 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. Harris to sanction Dr. McKay with a Final Order and to sanction Dr. Chappell with a Final Order. It was stated these Orders are individual sanctions and will be written and posted on the Board's web site. The motion was seconded by Dr. King. The motion carried.

ADMINISTRATOR'S REPORTS:

Administrative Report:

Mrs. Cox gave the statistics for licensees to be: Licensed Veterinarians - 1506 and Licensed Veterinary Technicians - 272 for a total of 1778 licensees. Mrs. Cox also had placed in the Board books the mailing of the report of an open meeting violation in South Carolina and stated LLR and the Board adhere to the open meeting standards for public oversight of government. She discussed the common renewal deadline of March 31, 2011 for all licensees of the Board and notifications will be sent in January 2011 with additional information on renewal to be discussed later in the Agenda.

OIE/ OGC/ OIS Management Reports:

OIE/ OGC/ OIS Management Reports were given. The Office of Investigations and Enforcement Statistical Report (OIE) was given through the IRC Report as prepared by P.C. Falgie. The Office of General Counselor Report (OGC) was announced that it will follow within the Complaint Status Monitoring Report. Mrs. Cox gave the Office of Information Services' Report (OIS) to be 32 full veterinarian licenses were issued, 15 veterinary technicians were issued, 5 temporary licenses were processed for veterinarians, and one temporary license for a veterinary technician was processed for 53 licenses issued since the last meeting.

Board's Complaint Status Report 2010:

Complaint Status Report was provided and reviewed as information by Mrs. Cox and she reported complaint case investigations and legal matters are reviewed monthly.

Administrative Financial Report:

Mrs. Cox stated the financial report is provided as information; and revenue is collected biennially and is expended over a two-year period. She reported the Board is audited annually and is financially sound with no audit exceptions being noted. She noted all monthly financial reports which are fully detailed are kept in the Board's office and in the Financial Department of LLR.

AAVSB Report:

Dr. Robinson attended the annual AAVSB in Baltimore, Maryland to represent the Board. He reported on the meeting which covered topics of top legal cases, investigative procedures, ADA accommodation and discrimination issues, the emergency management assistance compact, current FDA information , and NBVME/AAVSB reports. He thanked the Board for the opportunity to attend.

LEGAL:

Ms. Dantzler, LLR's Advice Counsel, had no legal information for the Board

UNFINISHED BUSINESS:

There was no Unfinished Business on the Agenda.

NEW BUSINESS:

Approval of Continuing Education and RACE Approval:

Dr. Platt discussed an inquiry written to the Board regarding the RACE approval process. The inquirer questioned approval of some topics like acupuncture or integrated therapies being approved while others were not; and the inquirer questioned timeframes for submissions and approvals. Dr. Platt noted again, that applicants for CE approval may apply to the SC Board for approval as well as to RACE. Dr. Harris noted that the SC Board cannot evaluate how RACE operates; however, the Board can comment to RACE. Dr. Platt said he would write a letter of formal request to AAVSB for specific information on program denials. Dr. Platt said he does not want the SC Board to be used as a foil in the approval process for an applicant for continuing education approval.

CE Request from SCAV:

SCVA wrote a letter asking for extended time for CE education to be credited from 2009. It was noted by Dr. Platt with comments from Dr. Cribb that any education taken January 1, 2009 through March 31, 2011 will be allowed for renewal credit this cycle unless it had been used for late renewal or reinstatement purposes. The Board agreed.

Questions from SCAV Regarding a "Retired/Non Practicing" Status of Licensure:

SCVA also had a question regarding a creation of a license status of "retired/not practicing." Mrs. Dantzler advised that any license status category would require consideration in the statutes and regulations. Discussion followed; however, the Board did not have an interest in opening the statutes.

DISCUSSION TOPICS:

There was no discussion.

PUBLIC COMMENT:

Mrs. Rosenberg asked the Board about retired veterinarians retaining their originally signed license when they were no longer practicing. It was explained that the original licenses have a place indicated where the renewal card is to be placed and displayed for the current renewal for valid practice privileges.

Mrs. Rosenberg thanked the Board and its members, Dr. King and Dr. Robinson, for their insightful and careful questioning in the hearing process.

Board Meeting Minutes
October 28, 2010
Page 5

ANNOUNCEMENTS:

It was announced the next meetings of the South Carolina Board of Veterinary Medical Examiners will be January 27, April 14, July 14, and October 27, 2011.

ADJOURNMENT:

There being no further business the meeting was adjourned at 2:00 P.M.

Respectfully submitted,

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

Kate K. Cox
Administrator