

Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting and Disciplinary Hearings
November 14, 2013
Synergy Business Park, Kingstree Building, Room 105
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
Walter C. Robinson, D.V.M., Secretary
Christine Hartman, L.V.T.
Rebecca Hughes, D.V.M.
Cindy W. Nord, Ph.D.
David M. Oliver, D.V.M.
Albert W. Platt, III, D.V.M.

Board member with excused absence was:

Vanessa B. Brooks, D.V.M.

Staff and others present were:

Erin G. Baldwin, LLR Litigation Attorney, Office of General Counsel (OGC)
J. Scott Bischoff, II, Esq.
Julie Cole, RPP
Darra Coleman, LLR Advice Counsel
Kate K. Cox, LLR Administrator
P.C. Faglie, LLR Investigator
Louisa Marie Fiacco, DVM
Scott T. Justice, Esq.
Leslie Ann Kinchen, DVM
Mary League, LLR Advice Attorney
Steven Moon, Esq.
Nancy T. Moses, DVM
Magdalene Moton, LLR Administrative Assistant
Marcia Rosenberg
Mark Sanders, Chief Investigator OIE
Douglas Smith, DVM
Gina Smith, Court Reporter
Sheridon Spoon, LLR Advice Attorney
Lauren M. Tandy, DVM
Rick Wilson, Esq., RPP

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 9:00 a.m. All votes referenced herein were unanimous unless otherwise noted.

Board Meeting Minutes

November 14, 2013

Page 2

APPROVAL OF AGENDA:

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

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Nord to accept the August 8 and October 17, 2013 Minutes as printed. Dr. Cribb seconded the motion. The motion carried.

DISCIPLINARY MOA HEARINGS:

Hearing with MOA - Leslie Ann Kinchen, D.V.M.:

A hearing was held regarding Memorandum of Agreement with Stipulation of Facts for Dr. Kinchen. Mr. Spoon advised the Board. Erin Baldwin represented the state. Scott T. Justice, Esq. represented Dr. Kinchen. 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. The motion was seconded by Ms. Hartman. The motion carried.

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

Motion: A motion was made by Dr. Platt to accept the MOA and issue a Public Reprimand with the cost of investigation of \$280.00 to be paid by Dr. Kinchen, and a fine of \$500.00. The motion was seconded by Dr. Cribb. The motion carried.

Hearing with MOA - Lauren Michelle Tendy, D.V.M.:

A hearing was held regarding Memorandum of Agreement with Stipulation of Facts for Dr. Tendy. Mr. Spoon advised the Board. Erin Baldwin represented the state. J. Scott Bischoff, II, Esq. represented Dr. Tendy. A court reporter was present. A quorum was noted as present. The hearing commenced.

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

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

Motion: A motion was made by Dr. Cribb to accept the MOA and issue a Public Reprimand with the cost of investigation of \$325.00 to be paid by Dr. Tendy, a \$500.00 fine, and with reinstatement remain in compliance with RPP. The motion was seconded by Dr. Platt. The motion carried.

MOA Hearings were continued later in the meeting.

NEW BUSINESS:

Fee Proposal:

Ms. Coleman appeared before the Board with additional information to clarify the need for fee increases from the Fee Proposal meeting on October 17, 2013. The Board requested a corrected handout for review.

Dr. Platt summarized the Board's findings that an increase in revenue was needed to support expenditures; however, the approved increase was approved at a smaller figure than proposed and will be shared by renewal increase and application increase. The Board asked that a fee review be done every two years for information on budgets.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was provided by Mark Sanders.

Motion: A motion was made by Dr. Cribb to accept five (5) Dismissals. The motion was seconded by Dr. Platt. The motion passed.

Motion: A motion was made by Dr. Platt to issue three (3) Cease & Desist Orders. Dr. Robinson seconded the motion. The motion passed.

Motion: A motion was made by Dr. Oliver to authorize four (4) Formal Complaints. The motion was seconded by Ms. Hartman. The motion passed.

Motion: A motion was made by Dr. Platt to issue three (3) Letters of Caution. The motion was seconded by Dr. Robinson. The motion passed.

OIE and OGC Management Reports:

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

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with a staffing chart; licensure totals were given to be 1663 veterinarians and 343 veterinary assistants are licensed by the Board; and update on the continued wait for appointments for District 2, 3, 5, and 7. Updates were given on proposed security for building and web sites, on need for member ID badges to be updated when needed, and on availability of vehicle tags again in 2014. The 2013 AAVSB Annual meeting was reported on by Dr. King 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.

LEGAL:

There was no legal business.

UNFINISHED BUSINESS:

There was no unfinished Business.

Board Meeting Minutes

November 14, 2013

Page 4

DISCIPLINARY HEARING CONTINUED:

Hearing with MOA - Douglas Smith, D.V.M.:

A hearing was held regarding Memorandum of Agreement with Stipulation of Facts for Dr. Smith. Ms. League advised the Board. Erin Baldwin represented the state. Steven Moon represented Dr. Smith. A court reporter was present. Dr. Robinson and Dr. Platt were recused. A quorum was noted as present. The hearing commenced.

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

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

Motion: A motion was made by Dr. Cribb to accept the MOA, issue a Public Reprimand with the cost of investigation of \$240.00 to be paid by Dr. Smith, and a \$50.00 fine to be paid. The motion was seconded by Ms. Hartman. The motion carried.

Hearing with MOA - Louisa Marie Fiacco, D.V.M.:

A hearing was held regarding Memorandum of Agreement with Stipulation of Facts for Dr. Fiacco. Ms. League advised the Board. Erin Baldwin represented the state. Steven Moon represented Dr. Fiacco. A court reporter was present. Dr. Platt was recused. A quorum was noted as present. The hearing commenced.

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

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

Motion: A motion was made by Dr. Cribb to accept the MOA, issue a Public Reprimand with the cost of investigation of \$120.00 to be paid by Dr. Fiacco, and a fine of \$500.00 to be paid. The motion was seconded by Dr. Nord. The motion carried.

Hearing with MOA - Nancy Temple Moses, D.V.M.:

A hearing was held regarding Memorandum of Agreement with Stipulation of Facts for Dr. Moses. Ms. League advised the Board. Erin Baldwin represented the state. Steven Moon represented Dr. Moses. A court reporter was present. Dr. Platt was recused. A quorum was noted as present. The hearing commenced.

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

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

Motion: A motion was made by Dr. Cribb to accept the MOA, issue a Public Reprimand with the cost of investigation of \$120.00 to be paid, and a fine of \$500.00 to be paid. The motion was seconded by Dr. Nord. The motion carried.

CONSENT AGREEMENTS:

Consent Agreement - John B. Grant, D.V.M.:

A Consent Agreement was presented for Dr. Grant. Ms. League advised the Board. Erin Baldwin represented the state. Dr. Grant was not present and he was not represented. Proof of noticed was given and documented. A court reporter was present. Dr. Cribb and Dr. Robinson were recused. A quorum was noted as present. The hearing commenced.

Motion: A motion was made by Dr. Oliver to go into Executive Session. The motion was seconded by Dr. Nord. The motion carried.

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

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

Consent Agreement - Amy R. Kerley, D.V.M.:

A Consent Agreement was presented for Dr. Kerley. Ms. League advised the Board. Erin Baldwin represented the state. Dr. Kerley was not present and she was not represented. Proof of noticed was given and documented. 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. The motion was seconded by Dr. Platt. The motion carried.

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

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

FULL HEARING:

Hearing - David R. Jones, D.V.M.:

Dr. Jones did not appear. He did not send representation. Discussion followed with proof of service that he was notified of the hearing.

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

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

Motion: A motion was made by Dr. Platt to postpone the hearing, correct a typo in the documents, and schedule the hearing for February 13, 2014. Dr. Cribb seconded the motion. The motion passed.

NEW BUSINESS: Continued

Use of Term Nurse Question:

Dr. Curtsinger asked about using the term veterinary nurse. It was discussed that nurse is defined in the SC Board of Nursing Act in title protection; and it is not defined in the SC Board of Veterinary Medical Examiners Act. It was noted there is no term veterinary nurse. Mr. Spoon and Ms. Cox will respond to Dr. Curtsinger by email that this term veterinary nurse should not be used. Ms. Coleman will write an Advisory Opinion that will be published on the Board's web site.

DISCUSSION TOPICS:

There were none.

PUBLIC COMMENT:

Mrs. Rosenberg thanked the Board for their decisions on disciplinary sanctions of public reprimands versus private reprimands.

ANNOUNCEMENTS:

It was announced the next meeting of the South Carolina Board of Veterinary Medical Examiners for 2014 will be February 13, May 8 August 14 and November 13 of 2014.

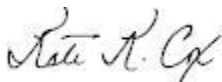
The Board thanked Erin Baldwin, Esq. for her work for the Board and wished her the best during her leave.

The Board made a presentation to thank Mag Moton, Administrative Assistant for many years for the Board, on her announced retirement and her wonderful service and work for the SC Board of Veterinary Medical Examiners.

ADJOURNMENT:

Motion: Dr. King made a motion to adjourn as there was no further business to come before the Board. Dr. Platt seconded the motion. The motion passed and the meeting was adjourned at 4:00 p.m.

Respectfully submitted,



Kate K. Cox
Administrator