

Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting, Appearance and Disciplinary Hearing
April 3, 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
Walter C. Robinson, D.V.M., Secretary
Vanessa B. Brooks, D.V.M.
Christine Hartman, L.V.T.
Cindy W. Nord, Ph.D.
Albert W. Platt, III, D.V.M.

Board members with excused absences were:

Rebecca Hughes, D.V.M.
David M. Oliver, D.V.M.

Staff and others present were:

Erin G. Baldwin, LLR Litigation Attorney, Office of General Counsel (OGC)
Tina Behles, Court Reporter
Kate K. Cox, LLR Administrator
Dr. Carrie Davis
P.C. Faglie, LLR Investigator
Nancy Flores, LLR Administrative Assistant
David R. Jones, D.V.M.
David T. Palawasta
Marcia Rosenberg
Mark Sanders, Chief Investigator LLR OIE
Sheridon Spoon, LLR Advice Attorney
Sarah E. Stevenson, V.T.
Kenzo G Tochiki, D.V.M.
Bill Tumbleston

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 108, 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.

APPROVAL OF AGENDA:

Motion: A motion was made by Dr. Cribb to approve the Agend. Ms. Hartman seconded the motion. The motion carried.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Nord to accept the November 14, 2013 Minutes as printed. Dr. Robinson seconded the motion. The motion carried.

DISCIPLINARY ISSUES:

IRC Report:

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

Motion: A motion was made by Dr. Platt to accept four (4) Dismissals. The motion was seconded by Dr. Cribb. The motion passed.

Motion: A motion was made by Dr. Cribb to issue one (1) Cease & Desist Order. Ms. Hartman seconded the motion. The motion passed.

Motion: A motion was made by Dr. Cribb to authorize three (3) Formal Complaints. The motion was seconded by Dr. Nord. 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.

APPLICANT HEARINGS:

Kenzo G. Tochiki, D.V.M.:

An application hearing was held for Dr. Tochiki. Mr. Spoon advised the Board. Dr. Tochiki was present and represented himself. He waived his right to counsel. A court reporter was present. A quorum was noted as present. The hearing commenced.

Motion: A motion was made by Dr. Robinson 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 Ms. Hartman. The motion carried.

Motion: A motion was made by Dr. Platt to accept the North Carolina report as required by the NC Board regarding their findings on Dr. Tochiki with the same timeframe required by North Carolina. It was stated he can be licensed when he has met all South Carolina requirements on his application for licensure. The motion was seconded by Dr. Cribb. The motion carried.

Louis E. Bauslaugh, D.V.M.

He did not appear.

Steven C. Moore, L.V.T.:

He did not appear.

Sarah E. Stevenson, V.T.:

An application hearing was held for Ms. Stevenson. Mr. Spoon advised the Board. Ms. Stevenson was present and represented herself. She waived her right to counsel. A court reporter was present. A quorum was noted as present. Dr. Platt recused himself in the matter. The hearing commenced.

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

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

Motion: A motion was made by Dr. Cribb to accept Ms. Stevenson's application for licensure as a veterinary technician in South Carolina. The motion was seconded by Dr. Brooks. The motion carried.

DISCIPLINARY MOA HEARING and VOLUNTARY SURRENDER:

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

A hearing with a Memorandum of Agreement and Stipulation of Facts was held for Dr. Jones. Mr. Spoon advised the Board. Erin Baldwin represented the state. Dr. Jones was present and represented himself. He waived his right to counsel. Dr. Brooks recused herself in the matter. A court reporter was present. A quorum was noted as present. The hearing commenced.

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

Motion: A motion was made by Dr. Nord 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 MOA; to state Dr. Jones did violate the Practice Act; to issue a civil penalty for \$500.00 and costs of investigation to be paid in 180 days from the date of the Order; to require Dr. Jones run an ad in newspaper for a more formal notice of closing his practice and make the public aware of where to get their records; and to write a letter to the local community of veterinarians to provide his contact information in case they need any of his records going forward and may need to contact him. The motion was seconded by Ms. Hartman. The motion carried.

Voluntary Surrender from Charles A. Henry, D.V.M.:

Erin Baldwin presented the Voluntary Surrender of License to Practice Veterinary Medicine that was signed and accepted from Charles A. Henry, D.V.M. The Board accepted it as information.

UNFINISHED BUSINESS:

Use of Term Veterinary Nurse and Advisory Opinion:

Advisory opinion was written by Darra Coleman for the Board regarding the terminology "veterinary nurse." Mr. Spoon reviewed the opinion with the Board. 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 and the Board advises that that its veterinary aides or other employees of a licensed veterinarian not use the term "nurse" to avoid possible confusion. The advisory Opinion will be published on the Board's web site.

Motion: Dr. Robinson made a motion to accept the advisory opinion as stated. Dr. Platt seconded the motion. The motion passed.

K-9 Medic Program Update:

David T. Palawasta and Dr. Carrie Davis presented an update on the program development of protocols for the K-9 Medic Program in Charleston County and for the emergency care of the dogs while they are in service, if needed. They reviewed the protocol for care and the establishment of a veterinarian- client-patient relationship. The Board accepted the report as information and agreed with the protocols.

NEW BUSINESS:

Chapter 10 - Fees in Regulation:

Mr. Spoon reviewed the use of Chapter 10 for fees in Title 40 for all the boards. Discussion followed on where fees should be.

Motion: Dr. Platt made a motion to have the fees for the SC Board of Veterinary Medical Examiners to appear in Chapter 10 with a reference in their Regulations to Chapter 10 and LLR's web site for their fees. Dr. Cribb seconded the motion. The motion passed.

CE Request for Approval and CE Review:

Dr. Platt reviewed the CE approval process of the Board. Discussion followed. The Board will continue with its process that any group who wants approval must request it as the group offering the CE that is applicable for animals. It was stated documents supporting the request are required to be submitted with the application. It was also stated that individuals do not request approval for themselves or for other individuals. It was noted the form for requesting approval is on the Board's web site.

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with a staffing chart; licensure totals were given to be 1692 veterinarians and 373 veterinary assistants are licensed by the Board with a total of 2065 licensees; and update on the continued wait for appointments for District 2, 3, 5, and 7. It was noted that the Notice for Election for District 4's seat will be sent announced in the next weeks. Members were reminded throughout the past months about the necessity of filing their Statement of Economic Interests on or before March 30, 2014 and that date has now passed.

It was reported that Sheridan Spoon will be moving to the SC Board of Medicine as their administrator and a new advice counsel will be assigned to the Veterinary Board. Nancy Flores was introduced as the new Administrative assistant for the Board and was welcomed.

A question was submitted to the Board regarding vaccine clinics was read and discussed.

Motion: Dr. Platt made a motion that a veterinarian must be present; a vet-client-patient relationship is required; that vaccine clinics are the practice of veterinary medicine; and regardless of the content of the examination of the animal, the veterinarian is responsible for the health, care, and record of the animal. The motion was seconded by Dr. Cribb. The motion passed.

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:

Federal Act S. 1171

Federal Act S. 1171 was sent as information by Mr. Spoon who discussed it with the Board.

DISCUSSION TOPICS:

Dr. Platt read a letter of thank you and comments to the Board as his term on the Board is coming to an end. He was thanked for his dedicated service. Dr. Nord was also thanked for her long years of service as the consumer member of the Board. Ms. Hartman was noted for her service as her term as the veterinary technician appears to be coming to an end as well.

PUBLIC COMMENT:

There was none.

ANNOUNCEMENTS:

It was announced the next meetings of the South Carolina Board of Veterinary Medical Examiners for 2014 will be May 8, August 7 and November 6.

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 12:30 p.m.

Respectfully submitted,



Kate K. Cox
Administrator