

Minutes of the South Carolina Board of Veterinary Medical Examiners
Business Meeting and Disciplinary Matters
May 28, 2015
Synergy Business Park, Kingstree Building, Room 105
110 Centerview Drive, Columbia, South Carolina 29211

Board members present were:

Rebecca Hughes, Vice Chairperson, D.V.M.
Gretchen Love, Secretary, D.V.M.
Vanessa B. Brooks, D.V.M.
Katherine Ann George, D.V.M.
Oswald H. "Sonny" King, D.V.M.
W. Marshall, Liger, III, LV.T.
David M. Oliver, D.V.M.
Rebecca I. Shealy, Consumer

Board member with excused absence:

Bryan K. Cribb, D.V.M., Chairperson

Staff and others present were:

Erin G. Baldwin, LLR Litigation Attorney, Office of Disciplinary Counsel
Tina Behles, Court Reporter
Kate K. Cox, LLR Administrator
P.C. Faglie, OIE Investigator
Nancy Flores, LLR Administrative Assistant
Marica Rosenberg
Mark Sanders, OIE Supervisor
Sym Singh, OIE Investigator
Hardwick Stuart, Jr., LLR Advice Attorney

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, Vice Chairperson Dr. Hughes 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. King seconded the motion. The motion carried.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. King to accept the February 26, 2014 Minutes as printed. Dr. Brooks seconded the motion. The motion carried.

HAIL AND FAREWELL:

The Board welcomed its new member Katherine Ann George, D.V.M. who is being seated in the District 4 seat formerly held by Dr. Walter Robinson. The Board said farewell and thank you to Dr. Robinson. Dr. King was also recognized and thanked for his as he will be vacating his seat soon.

DISCIPLINARY ISSUES:

IRC Report:

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

Motion: A motion was made by Dr. Brooks to accept three (3) Dismissals. The motion was seconded by Dr. King. The motion passed.

Motion: A motion was made by Dr. Brooks to authorize four (4) Formal Complaints. Dr. King seconded the motion. The motion carried.

Motion: A motion was made by Dr. Oliver to authorize one (1) Letter of Caution. Dr. Love 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. Sanders and Ms. Baldwin. The reports were accepted as information by the Board.

DISCIPLINARY ISSUES FOR CONSENT AGREEMENTS:

Consent Agreement (Private) Presentation - OIE Case # 2015-08:

A Consent Agreement (Private) had been prepared for case # 2015-08. The state was represented by Erin Baldwin. Hardwick Stuart was the advice attorney for the Board. A court reporter was present. The Respondent was not present and was not represented. A quorum was noted as present.

Motion: A motion was made by Dr. King to go into Executive Session for the Private Consent Order presentation. The motion was seconded by Dr. Love. The motion carried.

Motion: A motion was made by Dr. King 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 Consent Agreement. The motion was seconded by Dr. King. The motion carried.

Consent Agreement Presentation - OIE Case # 2014-32:

A Consent Agreement was presented in the matter of Dr. Crystal Charlene Peeler, D.V.M. The state was represented by Erin Baldwin. Hardwick Stuart was the advice attorney for the Board. A court reporter was present. Dr. Peeler was not present and she was not represented. A quorum was noted as present. The presentation commenced.

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

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

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

ADMINISTRATIVE REPORTS:

Administrative Report:

The Administrative Report was given with a staffing chart; licensure totals were given to be 1659 licensed veterinarians and 381 licensed veterinary technicians. Mrs. Cox reported that one other veterinarian has passed Advice and Consent of the Senate and two others are in that process for seats on the Board. Legislative bills that have possible impact on the Board were noted to be House Bill 3343, Euthanasia Bill, and Senate Bill 68, Shelter Bill. There has been no passage in the session to date. A tattooing and piercing of animals bill was mentioned as well.

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.

UNFINISHED BUSINESS:

Zeuterin Usage and Tattooing to Identify Sterilization:

The sterilization drug Zeuterin and its use was discussed by Mr. Liger, as well as the use of tattoo guns to denote sterilization. Discussion followed. The Board stated that unlicensed veterinarian assistants cannot use Zeuterin or do tattooing for identification purposes.

Motion: A motion was made by Mr. Liger that the use of Zeuterin by a Licensed Veterinary Technician and the use of a tattoo gun to indicate sterilization need to be done/used under the direct supervision of a Licensed Veterinarian; and the Licensed Veterinary Technician needs to have successfully completed the Zeuterin manufacture's training program to have received their certificate in the use of Zeuterin. The motion was seconded by Dr. Love. The motion carried.

Discussion followed on tattooing of animals in general. Tattooing of animals will be placed on the August 13, 2105 agenda.

NEW BUSINESS:

Question to the Board Regarding McMasters Testing and Reporting Results:

The Board discussed the question regarding who can do McMasters testing. The Board looked at Chapter 69, The Practice Act of Veterinary Medicine, and the Statute Section **40-69-20 (13) (a. and d.)**. The Board feels that the McMasters testing and giving results are the practice of Veterinary Medicine.

Question to the Board Regarding Intubation by Veterinary Assistants:

The Board discussed the question regarding veterinary assistants doing intubation. The Board looked at **Regulation 120-9 B. (1 b.)** The Board feels that intubation by a veterinary assistant would require "immediate supervision" by a Licensed Veterinarian. Immediate supervision is defined in the Practice Act in **Section 40-69-20 (6)** which means the Licensed Veterinarian is within direct eyesight and hearing

Question to the Board Regarding Consulting/Delegated Performance of Procedures for Gastroscopy by a Person Licensed in Another State:

The Board discussed the consulting and delegation of this procedure and looked at the **Statute Section 40-69-270 (A) (2) and (C)**. Based on that section, the Board felt a non-licensed vet licensed in another state performing the gastroscopy procedures with a SC Licensed Veterinarian is acceptable to the Board and not a violation.

Question to the Board Regarding Consulting by an Unlicensed Person:

The Board discussed consulting by an unlicensed person, although trained in veterinary medicine, and looked the **Statute Section 40-69-270 (A) (2)**. Based on that section, the Board felt a non-licensed person cannot consult. They need to hold a license that is current and valid in another state to be able to act as a consultant.

Question to the Board Regarding Owning and using an Isoflurane Anesthesia Machine:

The Board discussed the question and looked at Chapter 69, The Practice Act of Veterinary Medicine, and the **Statute Section 40-69-20 (13) (a)**. Based on that section, the Board feels that what you are describing is the practice of veterinary medicine and you must have a veterinarian present. Having a machine is not prohibited but getting the drugs and using the machine is the practice of veterinary medicine.

Mrs. Cox will respond to all inquirers to answer the questions submitted to the Board.

LEGAL:

There was no legal business to be presented.

DISCUSSION TOPICS:

There was no further discussion.

PUBLIC COMMENT:

There was no comment.

ANNOUNCEMENTS:

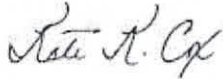
It was announced the meetings for 2015 are August 13 and November 5. It was noted that August 13, 2015 may need to be a longer meeting. It was stated as new board members are seated, LLR will offer training.

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ADJOURNMENT:

There being no more business, the meeting was adjourned at 12:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "Kate K. Cox".

Kate K. Cox
Administrator