

**South Carolina Department of Labor, Licensing and Regulation
Board of Veterinary Medical Examiners
Board Meeting Minutes
November 14, 2019
110 Centerview Drive, Kingstree Building, Room 204
Columbia, South Carolina**

Public notice of this meeting was properly posted at the S.C. Board of Veterinary Medical Examiners office, Synergy Business Park, Kingstree Building, and on the board website and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

BOARD MEMBERS PRESENT:

Katherine George, DVM – Chair
Ginger Macaulay, DVM – Vice Chair
Karl Wessinger, DVM
Bethany Tapp, DVM
Elizabeth Fuller, DVM
W. Marshall Liger, LVT
Rebecca Shealy

SCLLR STAFF PRESENT:

Hardwick Stuart, Office of Advice Counsel
Meredith Buttler, Administrator
Mark Sanders, Chief Investigator
Erin Baldwin, Office of Disciplinary Counsel

PRESENT:

Kathryn Bostrom, Court Reporter
Michele Neal
Phillip Barber
Blair Neal
Clyde Jorden

CALL TO ORDER: Chairman George called the meeting to order at 9:19 a.m.

APPROVAL OF AGENDA

Motion: To approve the agenda.
Macaulay/Shealy/approved.

APPROVAL OF ABSENT BOARD MEMBER

Motion: To approve Janet McKim, DVM and Mitch Lowery, DVM due to work conflicts and Gretchen Love Bolin due to personal matters.
Macaulay/Liger/approved.

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the August 15, 2019 Board Meeting.
Fuller/Macaulay/approved.

STAFF REPORTS

OIE Statistical Report

Mark Sanders presented the Statistical Report through the third quarter. To date a total of 53 complaints have been received and 35 have been closed.

IRC Report

Mr. Sanders presented the IRC Report. The Committee recommended 3 cases for Dismissal and 7 cases for Formal Complaint.

MOTION: To approve the cases for Dismissal.
Macaulay/Liger/approved.

MOTION: To approve the cases for Formal Complaint.
Macaulay/Shealy/approved.

ODC Report

On behalf of Mr. Tennis, Ms. Buttler reported that there are currently 17 open cases of which 13 are pending action, 3 are pending CA/MOAs and 1 is pending Board Action.

Legislative Update

Ms. Buttler reported that there was not a legislative update at the present time.

APPLICANT APPEARANCE

a) Michele Neal

Ms. Neal appeared before the Board for an Application Hearing. She was not represented by counsel and was sworn in by the court reporter. Application hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Executive Session

Motion: For the Board to enter into executive session to seek legal advice regarding application hearing.
Liger/Macaulay/approved.

Return to Public Session

Motion: For the Board to return to public session
Fuller/Macaulay/approved.

Board Chairman, Katherine George, noted for the record that no votes or actions were taken while in executive session.

Motion: To approve Ms. Neal's application.
Macaulay/Shealy/approved.

REPORTS

a) AAVSB Report

Dr. Macaulay presented a report on the main topics covered during the 2019 AAVSB Annual meeting. The next meeting will be in September of 2020 in Portland, Oregon and the Beyond Board Basics Meeting will take place in April of 2020.

b) Administrator Report

Ms. Buttler thanked the Board for having her and expressed her excited to be the new administrator for the Board. Ms. Buttler presented current licensee totals and board financials as information for the Board members to review.

Ms. Buttler stated that in reviewing the board information, it was found that the board seat election for District 2 had not been conducted in 2019. Additionally board seat election for District 4 would be coming up early 2020. Ms. Buttler stated that in conjunction with the IT Department, an online voting portal has been created. This portal will require licensees eligible to voting in an election to log in to the main licensee portal and see the election notice on the main screen. Ms. Buttler walked the Board through the voting process. Ms. Buttler asked the Board to consider utilization of the new online voting portal for the District 2 and District 4 board seat elections.

Motion: To utilize the online voting portal for the upcoming board seat elections.
Macaulay/Shealy/approved.

DISCIPLINARY HEARING

Case #2018-38 – Consent Agreement

Motion: To accept the Consent Agreement as presented.
Macaulay/Fuller/approved.

Ms. Erin Baldwin, Office of Disciplinary Counsel, address the Board members to relay communications she had with the IRC Members. Ms. Baldwin relayed that the IRC Members did not have any complaints regarding the IRC process or their role and will continue to improve communication to the board of their recommendation to the extent allowable. If any board member has comments or concerns, they are welcome to communicate with the board's advice counsel or the board administrator.

NEW BUSINESS

a) Discussion of AAVSB Resolution 2019-01

Dr. Ginger Macaulay presented the 2019 AAVSB Annual Meeting notes and resolution for the Board's review. Dr. Macaulay reported that they are attempting to make transferring licensure information easier and they have provided a list of items they are currently working to improve the VAULT system. Dr. Fuller noted that at the Board Basics Meeting, they were focusing on providing an avenue for Boards to post disciplinary issues to the Vault.

MOTION: To accept the AAVSB's Resolutions for 2019 and be willing to provide the information requested.
Macaulay/Shealy/approved.

b) AAVSB Veterinary Technology Program Name Changes

Dr. Katherine George presented to the Board a request for clarification from AAVSB regarding the schools changing the name of their Veterinary Technology programs to Veterinary Nursing Degree Programs. At the present time, four schools have changed the program name. After discussion and counsel from Advise regarding the use and recognition of the term "nurse", the Board stated it foresees an issue with accepting transcripts where the degree states "veterinary nurse". Ms. Buttler has been instructed to follow up with AAVSB, letting them know there will be issues in accepting transcripts with a potential fix only feasible by opening up the Board's Regulations. The Board administrator and advice counsel will conduct further research and report at the February Board meeting.

c) Clarification of Practice: Pregnancy Confirmations by Unlicensed Individuals

Dr. George shared with the Board two communications that had been received by the board office regarding unlicensed individuals confirming pregnancies in animals. After review of S.C. Code of Law 40-69-20(13)(a) and the definition of veterinary medicine by AAVSB, the Board determined that the diagnoses of the condition of pregnancy is within the scope of practice of veterinary medicine and therefore the individuals must work either under the supervision of a licensed veterinarian or cease administration of services.

d) Approval for Chair to sign Consent Agreements

Ms. Buttler stated that other Board have a practice of delegating authority to the Board Chair to review and sign off on Consent Agreements. This delegation allows for quicker processing of consent agreements as it does not require being presented before the full Board. Ms. Buttler shared that if the delegation was made and upon review of the case the Board Chair did not feel comfortable with signing, the agreement could still be brought before the Board for review. After discussion, the members agreed to maintain practice as is and consent agreements will continue to come before the full board for approval.

e) Criminal History Guidelines for New Applicants – Delegation to Staff

Ms. Buttler stated that many boards have delegated authority to the administrator to review and approve applications with criminal history. Most have set limits for review such as ten years prior to application. If an application is received that indicates criminal history where the incident has taken place beyond ten years from the date of the application, the administrator would be allowed to review and approve the application. Ms. Buttler stated that if she had questions, the process would be to bring it to the advice counsel and then the Board chair, if further review is needed, prior to approval.

After discussion, board members have asked Ms. Buttler to present official motion wording at the February board meeting for review and approval of delegation.

f) Election of Officers for 2020

MOTION: To nominate Dr. Bethany Tapp as Board Chair.
Macaulay/Liger/approved.

MOTION: To nominate Dr. Wessinger as Board Vice Chair.
Shealy/Liger/approved.

Public Comments

Mr. Clyde Jordan came to observe the meeting as a representative for the State Association.

Mr. Liger brought to the Board's attention a question regarding VCP. The client requested medication for a time period that extends beyond the VCP window of one year. The Board discussed and stated legally the request could be approved as the VCP is valid but the Board warned against such practice as there is a potential for malpractice suit.

Announcements

The next South Carolina Board of Veterinary Medical Examiners will be held February 13, 2020.

Adjournment

MOTION To adjourn
Fuller/Macaulay/approved.

The Board meeting was adjourned at 11:02 a.m.

