

South Carolina Department of Labor, Licensing and Regulation
Board of Veterinary Medical Examiners
Board Meeting Minutes
February 13, 2020
110 Centerview Drive, Kingstree Building, Room 108
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:

Bethany Tapp, DVM- Chair
Karl Wessinger, DVM- Vice Chair
Katherine George, DVM
Ginger Macaulay, DVM
Elizabeth Fuller, DVM
Mitch Lowery, 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
Kyle Tennis, Office of Disciplinary Counsel
Wendy Taylor, Program Coordinator

PRESENT:

Tina Behles, Court Reporter
Melissa Enterkin, LVT - SCAVT
Marlee Poole, LVT - SCAVT
Melissa Stein, LVT

CALL TO ORDER: Chairman Tapp called the meeting to order at 9:01 a.m.

INTRODUCTION OF BOARD MEMBERS

The Board and LLR staff members introduced themselves.

APPROVAL OF ABSENT BOARD MEMBER

Motion: To approve Gretchen Love-Bolin, DVM due to work matters.
George/Liger/approved.

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the November 14, 2019 Board Meeting.
Liger/Macaulay/approved.

STAFF REPORTS

OIE Statistical Report

Mark Sanders presented the Statistical Report through the fourth quarter. To date a total of 68 complaints for the year have been received and 41 have been closed. There are 27 active investigations.

IRC Report

Mr. Sanders presented the IRC Report. The Committee recommended 3 cases for Dismissal, 7 cases for Formal Complaint, and 1 Letter of Caution.

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

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

MOTION: To approve the case for Letter of Caution.
Liger/Macaulay/approved.

Mr. Sanders reported that there one license had been relinquished during the fourth quarter. This report was for board information only.

ODC Report

Mr. Tennis reported that there are currently 21 open cases of which 13 are pending action, 7 are pending CA/MOAs and 1 is pending Board Action. To date, 3 cases have been closed.

APPLICANT APPEARANCE

a) Bradley Angel

The hearing requested to be rescheduled for the next board meeting on May 14, 2020.

b) Melissa Stein

Ms. Stein 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.
Fuller/Shealy/approved.

Return to Public Session

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

Dr. Tapp stated no votes of any kind have been taken during executive session.

Motion: To approve Ms. Stein's application for licensure on the condition a follow-up letter from her physician to be submitted to the Board office no later than October 30, 2020. Should the letter not clear Ms. Stein for work, a reappearance before the Board will be required in order to maintain licensure.
Liger/Fuller/approved.

DISCIPLINARY HEARING

Case #2019-46 – Consent Agreement

Executive Session

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

Return to Public Session

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

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

Case #2016-53 – Consent Agreement

Dr. George, DVM recused herself from the Disciplinary Hearing.

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

Return to Public Session

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

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

REPORTS

Ms. Buttler introduced new Program Coordinator, Wendy Taylor to the Board. Ms. Taylor joined the team at the beginning of February and will assist Ms. Buttler in projects for the Board.

For the Board's information, Ms. Buttler reported that the Board of Pharmacy submitted regulation changes regarding compounding medications for use in veterinary practice.

The Board currently has 2,107 active Veterinary licenses, 5 active Intern Veterinary licenses, 599 active Veterinary Technician licenses. Ms. Buttler reported the current account balance as of January 31, 2020 is \$31,818.63.

Ms. Buttler stated the Notice of Election for District 2 Board seat was sent in early December 2019. Two nomination were received and per the Board's statutes and regulations, both names were submitted to the Governor's office for review and appointment. Both candidates have been notified of their submission to the Governor's office. Notice of Election for District 4 Board seat was sent mid January 2020. Candidates wishing to submit their name for nomination must do so in writing to the Board office, letter postmarked no later than February 15, 2020. Currently two candidates have been received.

OLD BUSINESS

Criminal History Guidelines for New Applicants

Per the Board's request, Ms. Buttler submitted for the Board's review a motion to delegate authority to the Administrator to review and approve application with a criminal history.

Motion: To delegate authority to the Board Administrator to review and approve applications received indicating criminal history. Delegation is limited to criminal history involving misdemeanors and felony charges, not directly related to the practice of veterinary medicine or veterinary technology, greater than ten years from the date of application.
Macaulay/George/approved.

NEW BUSINESS

a. Scope of Practice: Necropsy

Ms. Erin Baldwin requested clarification from the Board regarding whether or not the performance of a necropsy in South Carolina on an animal owned by a citizen of South Carolina is to be done only by a licensed veterinarian or may it be done by unlicensed professionals. Ms. Baldwin presented to the Board for consideration the that dissection of the flesh would not constitute surgery but that for purposes of forming a diagnosis, necropsy may fall under the scope of practice per S.C. Code of Law 40-69-20(13)(d). Dr. Fuller noted that a distinction needed to be made from the post-mortem examinations conducted by DNR personnel on wildlife for scientific research and are technically the property of the state. Further discussion ensued regarding the distinction between performance of the necropsy and the analysis and diagnosis for the results of the necropsy findings which would require a licensed veterinarian to perform.

b. Request for Committee: Non-THC Products for Pain Management

Ms. Buttler stated that several inquiries had been made to the Board office regarding the Board's position on the use of non-THC products in veterinary practices. Per the November 8, 2018 board meeting minutes, the Board requested further research into the topic. Ms. Buttler requested a committee to be formed to research how the issue is being address by the various states and at a national level. Dr. Macaulay shared with the Board members the AAVSB's publication on the matter and offered assistance to Ms. Buttler on the subject. Dr. Macaulay and board staff will conduct further research on the matter and report to the board at the next board meeting.

MOTION: To table the agenda item until the next scheduled meeting.

Macaulay/George/approved

c. AAVSB Topics to Discuss

Dr. Macaulay stated the documents shared by AAVSB are intended to assist boards with making changes to their practice acts regarding topics such as telehealth, opioids, and VCP. Dr. Tapp requested the information be sent to the Board members for further review and taking up at the next board meeting.

- d. Travel Approval: AAVSB Board Basics & Beyond
Ms. Buttler shared the upcoming AAVSB Board Basics & Beyond is occurring on April 17-18, 2020 in Kansas City, Missouri. Ms. Buttler stated that due to scheduling conflicts she will not be seeking to attend the meeting but as per LLR policy, the Board was allow to approve up to two board members to attend.

MOTION: To approve travel for two Board members to attend the AAVSB Board Basics and Beyond conference on April 17-18, 2020 in Kansas City, Missouri.

Macaulay/Fuller/approved

- e. Travel Approval: AAVSB Annual Meeting
The AAVSB Annual Meeting is scheduled for September 24-26, 2020 in Portland Oregon. Mr. Liger expressed interest in attending the meeting.

MOTION: To approve travel for two Board members and the Board administrator to attend the AAVSB Annual Meeting on September 24-26, 2020 in Portland, Oregon.

Macaulay/George/approved

- f. Proposed FAQ of Pill Splitting
Mr. Hardwick Stuart presented to the Board the issue of pill splitting and proper procedure for labeling as related to veterinary practice. After discussion, further clarification from the Board of Pharmacy and DHEC will be sought.

MOTION: To table the agenda item until the next scheduled meeting.

Macaulay/Fuller/approved

PUBLIC COMMENTS

Ms. Marlee Poole, LVT is the Board President for South Carolina Association for Veterinary Technicians (SCAVT) addressed the Board, stating it is their intent to promote better relations between the Association and The Board of Veterinarian Medical Examiners. Ms. Poole and Ms. Melissa Enterkin, LVT, outlined with several concerns SCAVT has identified regarding current Board statutes and regulations specific to LVT and unlicensed veterinary assistants. These concerns directly impact job satisfaction of LVTs and the association is seeing a shift in the industry away from individuals seeking licensure as a result. Ms. Enterkin additionally noted that the Board website need to be updated regarding the licensed school list as information has changed.

Announcements

The next South Carolina Board of Veterinary Medical Examiners will be held May 14, 2020.

Adjournment

MOTION: To adjourn.

Macaulay/George/approved.

The Board meeting was adjourned at 10:52 a.m.