



South Carolina Department of Labor, Licensing and Regulation

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South Carolina Board of Veterinary Medical Examiners

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Minutes of the South Carolina Board of Veterinary Medical Examiners

Regular Meeting

October 23, 2008

Synergy Business Park, Kingstree Building, Room 202-02
110 Centerview Drive, Columbia, South Carolina

Board members present were:

Paul D. Patrick, D.V.M., Chairman
James M. Harris, D.V.M., Vice-Chairman
Stephen G. Colquhoun, D.V.M.
Albert W. Platt, III, D.V.M.
Vanessa B. Brooks, D.V.M.
Christine Hartman, L.V.T.
David M. Oliver, D.V.M.
Cindy W. Nord, Ph.D.

Board Member excused absence was noted for:

Glen B. Haynes, D.V.M.

Staff and Others present were:

Kate K. Cox, Board Administrator
Sharon Dantzer, Advice Attorney to the Board
P.C. Faglie, LLR Investigations and Enforcement
Pat Hanks, LLR Legal Counsel
Magdalene W. Moton, Board Administrative Assistant
George Patterson, LLR Investigations and Enforcement
Marcia Rosenberg
Robert Selman, LLR Governmental Affairs

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 202-02, 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, Chairman Dr. Patrick called the meeting to order at 9:02 a.m. All votes referenced herein were unanimous unless otherwise noted.

APPROVAL OF AGENDA:

Motion: A motion was made to approve the Agenda as presented. The motion was seconded. The motion passed.

APPROVAL OF MINUTES:

Motion: A motion was made by Dr. Colquhoun to accept the July 24, 2008 minutes with the corrections in the Investigative Review Committee Report in paragraph one (1) on Page 2 to replace the "Chairman Dr. Harris" with "Chairman Dr. Patrick". Dr. Nord seconded the motion. The motion passed.

ADMINISTRATOR'S REPORTS:

Administrative Report:

Mrs. Cox greeted the Board and introduced Robert Selman, LLR's Office of Governmental Affairs. She reported to the Board the financial report information; the number of active licensees to date; LLR's new Office of Licensure and Compliance who conducts renewal notices and assist in continuing education audits; LLR's processes in continuing to seek more electronic means for licensure; and the more efficient and effective operations being sought due to the impact of the state and the national government's economy. She also reported on the configuration of LLR's meeting rooms and the 2009 board meeting dates to be January 22, April 16, July 30, and October 22.

Mrs. Cox asked if any Board members needed picture identifications for the Agency.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB) REPORT:

AAVSB Report - Dr. Harris:

Dr. Harris reported that his attendance at the September 2009 AAVSB's Annual Meeting and Conference was very informative and during this conference Dr. Colquhoun was elected to a director's position. He gave the floor to Dr. Colquhoun.

AAVSB Report – Dr. Colquhoun

Dr. Colquhoun reminded Board members that AAVSB is not a governing body but an informational body to state licensing boards; and it is one of most strategic priorities where attendees gather to share and learn topics related to regulatory boards and the veterinary profession. He reported on several topics held during the AAVSB Conference that included: Board member training; administrator's session; spay-neuter practices; legal cases against state boards; post-sanctions; federal disaster laws; and limited licenses. Dr. Colquhoun asked the Board for input on limited licenses in veterinary teaching. He stated he will try to get a video copy of the AAVSB's conference to share at the next board meeting. Dr. Colquhoun encouraged Board members to attend future AAVSB conferences.

Ms. Cox added that the Board could have pertinent information to offer other state licensing boards at conferences since the Office of Investigations and Enforcement and Emergency Disaster Plans have already been initiated within LLR.

Dr. Patrick thanked Dr. Harris and Dr. Colquhoun for their reports.

DISCIPLINARY ISSUES:

IRC Report

The Investigative Review Committee (IRC) Report was given by Vice Chairman Dr. Harris. The IRC Report, as per the October 2, 2008 IRC meeting and the addendum to that report, was to dismiss twenty (20) alleged complaints, to dismiss two (2) alleged complaints with Letters of Caution, and to authorize two (2) Formal Complaints.

Motion: A motion was made by Dr. Colquhoun to accept the October 2, 2008 IRC recommendations. An amended motion was made by Dr. Platt to accept the October 2, 2008 IRC recommendations and to delete the names of the respondents in the IRC addendum. Dr. Brooks seconded the motion. The motion passed.

Disciplinary:

Pat Hanks, Departments' Litigation Attorney, summarized Case # 2007-13 and presented a signed Consent Agreement from Dr. Eric H. Rundlett, Respondent. The Respondent in Case #2007-13 was not present nor represented by legal counsel. The Respondent stipulated and admitted to the facts of Notice of Charges and was in agreement with the sanctions set forth in a proposed Consent Agreement.

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

LEGAL ISSUES:

Sharon Dantzler, Department's Advice Attorney, informed the Board of the state's new Illegal Immigration Reform Act. She said in addition to complying with I-9 requirements, all employers are required to verify legal status of employees. Ms. Dantzler added that business owners are required to verify the legal status of employees and may do so by signing up with the E-Verification with Homeland Security or have employees provide proof of a valid driver's license or other government issued identity document. LLR is offering employers training on the new Act in December 2008 and in January 2009.

UNFINISHED BUSINESS:

Use of Expert Witnesses for Policy/Guideline Discussion:

Dr. Platt presented to the Board copies of a formulated statement regarding the use of expert witnesses during the Board's disciplinary proceedings. The statement directed the use of expert reviewers specifically at the request of the IRC and the Board, as needed; and it directed the IRC and Board (through the chairman) to review final wording of recommendations and final orders. Also it addressed the need to have requirements as to what qualifies someone as an expert witness. It was stated that the expert witness should be a boarded specialist and have specific credibility and experience in the area of expertise upon which they are asked to testify.

Dr. Colquhoun commended Dr. Platt on formatting the recommendations for expert witnesses and suggested that a policy statement or guideline be formalized to define an expert witness. He asked Ms. Dantzler to write this policy or guideline statement along with Dr. Platt and Dr. Brooks in preparation for the Board's review at the January 22, 2009 Board meeting.

Mrs. Cox added that reviewing policies and guidelines is an ongoing project, as well as monitoring the Board's complaints.

NEW BUSINESS:

Supervision:

Mrs. Cox stated she has received concerns from the public questioning the definition of direct and in-direct supervision and questioning who should be administering rabies vaccines. She added that duties of a licensed veterinary technician were well defined in the new regulations. Dr. Platt stated that new regulations, Section 120.9 must be concurrent with the Department of Health and Environmental Control (DHEC), Bureau of Drug Control's Regulations. Mrs. Cox stated that she and Sharon Dantzer will review DHEC's drug regulations.

DISCUSSION TOPICS:

Release of Prescription:

Mrs. Cox asked about the release of prescriptions to clients. Dr. Platt stated to his knowledge that veterinarians are required to release prescriptions to clients and may charge a fee for the release.

PUBLIC COMMENT:

Mrs. Rosenberg questioned the exclusion of a case by name that was not included on the October 23, 2008 Board meeting agenda in the matter of a Consent Agreement to be presented by Legal. She requested that future agendas include such cases/items by name; agendas be placed on the Board's website 2 - 3 days prior to Board meetings; and requested a copy of the disciplinary monitoring report that is to be presented at the January 22, 2009 Board meeting.

Dr. Patrick accepted Mrs. Rosenberg's comments as information and it was stated that her comments would be given consideration.

ANNOUNCEMENTS:

It was announced the next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, January 22, 2009.

Dr. Harris stated that he had been contacted by Dennis Feinberg, D.V.M., past Board member and current Tri-Chairman of the National Board of Veterinary Medical Examiners, who requested to come speak before the Board. Dr. Patrick said he would contact Dr. Feinberg to invite him to January 22, 2009 meeting. Mrs. Cox requested prior notification of Dr. Feinberg confirmation to speak from Dr. Patrick.

Dr. Harris stated that when the video of the AAVSB's September 2008 Conference is available, he would forward a copy to the Board's office.

ADJOURNMENT:

There being no further business the meeting was adjourned at 10:30 a.m.

Respectfully submitted,



Kate K. Cox
Administrator