



## South Carolina Department of Labor, Licensing and Regulation

Mark Sanford  
Governor

Adrienne Riggins Youmans  
Director

## South Carolina Board of Veterinary Medical Examiners

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Minutes of the South Carolina Board of Veterinary Medical Examiners  
Business Meeting, MOA, and Consent Agreement Presentations  
April 16, 2009

Synergy Business Park, Kingstree Building, Room 105  
110 Centerview Drive, Columbia, South Carolina

### Board members present were:

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

### Staff and Others present were:

Tina Behles, Court Reporter  
Ed Booth, City Manager - Myrtle Beach  
Kate K. Cox, Board Administrator  
Sharon Dantzer, Advice Attorney to the Board  
Rachael Easterly, D.V.M. (by conference call)  
P.C. Faglie, LLR Investigations and Enforcement  
Gwendolyn Green, LLR Advice Counsel  
Pat Hanks, LLR Legal Counsel  
Krystal McFadden, LLR Legal Services  
Kenneth R. Moss, Esquire - The McGougan Law Firm, LLC  
Magdalene W. Moton, Board Administrative Assistant  
Marcia Rosenberg

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### 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, Chairman Dr. Harris called the meeting to order at 9:22 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 carried.

APPROVAL OF MINUTES:

**Motion:** A motion was made by Dr. Patrick to accept the January 22, 2009 minutes of the last meeting as printed. Dr. Platt seconded the motion. The motion carried.

CHAIRMAN REMARKS:

Dr. Harris thanked the Board staff for their continued efforts in serving the Board and thanked Dr. Platt for his work on Board issues and complaint processes.

DISCIPLINARY ISSUES:

IRC Report:

The Investigative Review Committee Report (IRC) was given by Chairman Dr. Harris. The IRC report, as per the March 25, 2009 IRC meeting, was to dismiss five (5) alleged complaints, to dismiss two (2) complaints with Cease and Desist Orders, and to dismiss two (2) complaints with Letters of Caution.

**Motion:** A motion was made by Dr. Colquhoun to accept the March 25, 2009 IRC recommendations. Dr. Brooks seconded the motion. The motion carried.

Presentation of MOA:

Mr. Hanks, Board's Litigation Attorney, summarized Case #2007-59 and presented a Memorandum of Agreement and Stipulations for Respondent Rachel Susan Easterly, D.V.M., license number 2205. The Respondent was present by way of telephone conferencing and was represented by Kenneth R. Moss, Esquire, of the McGougan Law Firm, LLC who was present. The Respondent stipulated and admitted to the facts of the Notice of Charges.

Gwendolyn Green, LLR's Advice Counsel questioned the waiver of rights of the Respondent to be present. Attorney Moss presented to the Board a hard copy of the Respondent's waiver of her rights to be present with appearance by telephone. Respondent was sworn in by Mr. Hanks and was subject to questioning by members of the Board and its counsel.

Mr. Moss summarized the case. He introduced and stated the credentials of the Respondent. He presented the Respondent's conviction and petitioned the Board to reinstate the Respondent's license. Ed Booth, Town Administrator of Surfside Beach, was sworn in. Mr. Booth presented an affidavit on behalf of the Respondent and requested the Board to reinstate the Respondent's license. The Board asked appropriate questions of the Respondent and others.

**Motion:** A motion was made to go into Executive Session to deliberate Case# 2007-59. The motion received a second. The motion carried. Time recessed: 10:47 a.m.

**Motion:** A motion was made that the Board reconvene in public session. The motion received a second. The motion carried. The meeting reconvened at 11:31 a.m.

**Motion:** A motion was made to accept the Memorandum of Agreement and Stipulations agreed upon by the Respondent; to have the Respondent publicly reprimanded; to require the Respondent make an application and appear before the Board to request any reinstatement of her license and submit to any restrictions that may be placed on her license at any time of any reinstatement; and to require that the Respondent comply with terms of the Order or have her license immediately suspended pending a hearing before the Board. The motion received a second. The motion carried with one (1) opposing vote being noted.

Presentation of Consent Agreements:

Mr. Hanks presented Consent Agreements for complaint cases regarding Dr. Lynn Hawkins, Dr. Frank Hooper, Dr. Robert Cook, Dr. Sanford Daniel, Dr. Bobby Long, and Dr. Thomas Sheridan.

**Motion:** A motion was made by Dr. Nord to go into Executive Session to deliberate. The motion received a second. The motion carried. Time recessed: 12:23 p.m.

**Motion:** Dr. Colquhoun made a motion that the Board reconvene in public session. The motion received a second. The motion carried. The meeting reconvened at 1:25 p.m.

**Motion:** Dr. Colquhoun made a motion to accept the Consent Agreements for Dr. Hawkins Case# 2005-21, Dr. Hooper Case# 2007-5 and Dr. Sanford Case# 2007-54. The motion received a second. The motion carried.

**Motion:** Dr. Patrick made a motion that the Consent Agreement for Dr. Cook Case# 2007- 6 be rejected. The motion received a second. The motion carried.

**Motion:** Dr. Patrick made a motion that the Consent Agreement for Dr. Long Case# 2007- 62 be postponed. The motion received a second. The motion carried.

**Motion:** Dr. Oliver made a motion that the Consent Agreement for Dr. Sheridan Case# 2008-38 be accepted. The motion received a second. The motion carried with two opposing votes being noted to accept the Consent Agreement for Case# 2008-38.

ADMINISTRATOR'S REPORTS:

Administrative Report:

Mrs. Cox reported on the number of active licensees to date; on LLR's new Office of Licensure and Compliance (OLC) which processed the license renewals; on Cease & Desist Orders mailed to licensees due to non-compliance of license renewal; on mailing of random continuing education audit notices and March 31, 2011 being the new common expiration date for license renewal for both veterinarians and veterinary technicians; and on comments from licensees who did not renew in a timely manner. Mrs. Cox reported that OLC has requested to be placed on the Board's agenda in the future to introduce OLC staff and stated OLC will also assist in initial licensure at a time to be determined.

The Board expressed their concern for the number of 2009 license reinstatements and the receipt of some concerns from licensees. It was discussed that statutes and regulations had not changed, the notification process and on-line renewal process had not changed, nor had fees changed. The Board discussed the idea of mailing a license renewal notice reminder and all dates regarding renewal be published on the Board News area of the Board's web site.

**Motion:** Dr. Platt made a motion to have a renewal reminder sent to licensees reminding them of the deadline date before the license would lapse and would require reinstatement. The motion was seconded. The motion carried.

Mrs. Cox reported that complaints are tracked monthly; Office of Investigations and Enforcement and the Legal Department have met to review timeframes in communicating with complainants and respondents; a notice to inform complainants and respondents of the complaint process will be developed to be sent out with the first letter acknowledging a complaint; and a complaint status report tracking approved IRC reported complaints has been developed. The Board made comments and approved the use of the complaint status report with additional information.

Mrs. Cox also reported on AAVSB's 2009 Nominating Forms; LLR's new telephone system; new Regulations passing and being printed in the State Register on March 27, 2009 which is the effective date of the Regulations; the two nominee names from the District #4 Board seat election being submitted to the Governor's Office; and the April 8, 2009 mailing of notices for District #1 Board seat nominations. She stated Dr. Haynes suggested that the Governor be asked to consider nominees, who were not selected for a seat, be considered for the seat at-large.

Mrs. Cox asked if any Board members needed picture identifications for the Agency; requested for address changes/contact information; and informed them of the July 30 and October 22, 2009 Board meeting dates.

Dr. Harris presented to the Board a letter from the South Carolina Nursing Board addressing their concern of the use of the term "nurse" in the Board's Statue Section 40-69-20(19) and in part of the definition of what a veterinary aide means. Dr. Harris reported that the response letter to the Nursing Board stated that the Statue was enacted in June of 2006 and apologized for the issue not being raised at that time. The letter also stated that the Board and staff periodically reviews the Statue for possible amendments and will keep a record of the Nursing Board's concern to incorporate comments into any proposed amendment considerations when appropriate.

Financial Report:

Mrs. Cox reported that financial information is available upon request. She reported that revenue is collected biennially and is expended over a two-year period; the Board is audited annually; and it is financially sound with no audit exceptions. She stated that the financial reports regarding the Board are kept in the LLR Finance Office and monthly statements are also maintained in the Board's office.

LEGAL:

No Legal Business was on the agenda; however, Ms. Dantzler discussed how bills are introduced, proceed in the State Legislature, and move between the two houses.

UNFINISHED BUSINESS:

There was no Unfinished Business on the Agenda.

NEW BUSINESS:

Animal Dental Hygiene - Cleaning Teeth

Dr. Harris addressed an e-mail from a licensed veterinary technician questioning whether a dental hygienist can clean animals' teeth. Ms. Dantzler stated they cannot clean an animal's teeth under their dental license and animal dentistry must be done under the Veterinary Statute license. There is a provision in the Statue regarding the act of "floating" teeth in the equine in 40-69-215.

DISCUSSION TOPICS:

Supervision was discussed for licensed veterinary technicians and unlicensed veterinary aides. It was reported that the new Regulations address the practice standards and supervision in detail in Regulation 120-9. It was noted the definition of supervision is also in Statute 40-69-20 (3), (6), and (7). Rabies vaccination was also discussed in Regulation 120-8.

PUBLIC COMMENT:

Mrs. Rosenberg requested a copy of the Standard Operating Procedures of OIE and a copy of the Administrator's Report. Mrs. Cox stated copies will be issued to Mrs. Rosenberg. Mrs. Rosenberg also questioned the knowledge of prior complaint history in the complaint process. The Board asked Ms. Dantzler if they can know the complaint history of a Respondent. She stated the Board can know the public order history and that the IRC knows it. She said that the Agency does not recommend always looking at closed/prior Orders and that this knowledge would have to be written into an Order stating that it was not taken into consideration but was known. The Board had asked Ms. Dantzler to write a guideline as to how the Board can know past discipline regarding a licensee in considering sanctions when they are presented with a complaint matter.

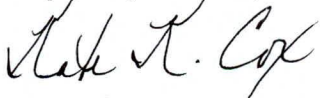
ANNOUNCEMENTS:

It was announced the next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, July 30, 2009 and the last meeting in 2009 will be on Thursday, October 22<sup>nd</sup>.

ADJOURNMENT:

There being no further business the meeting was adjourned at 2:31 p.m.

Respectfully submitted,



Kate K. Cox  
Administrator