

South Carolina Department of Labor, Licensing and Regulation
Board of Veterinary Medical Examiners
Board Meeting Minutes
June 3, 2021

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. Members of the public who wish to attend may do so by live stream. Contact the Board office at contact.vetboard@llr.sc.gov for live stream access information.

BOARD MEMBERS PRESENT:

Karl Wessinger, DVM - Chair
Elizabeth Fuller, DVM
W. Marshall Liger, LVT
Bethany Tapp, DVM
Mitch Lowrey, DVM
George S. Bryant, DVM
Christine White, DVM
Tracie Quick, DVM
LaDon Wallis, DVM
Deloris Mungo

SCLLR STAFF PRESENT:

Hardwick Stuart, Office of Advice Counsel
Meredith Buttler, Administrator
Robert Elam, Office of Disciplinary Counsel
Erin Baldwin, Office of Disciplinary Counsel
Sonya Morse, Office of Disciplinary Counsel
Tracey Solet, Office of Disciplinary Counsel
Mark Sanders, Office of Investigations
Donnell Jennings, Office of Advice Counsel

PRESENT:

Travis McCloud, Court Reporter
Lindy Dixon, DVM
Michael Sauer, DVM
Robert Hooker, DVM
Deborah Perzak, DVM
Christopher Rubbert, DVM
Tia Cooper, RPP
Brian Arnold, Esq.
Robyn Madden, Esq., RPP
Don Korson, RPP
Rebecca Payne, MD, RPP
Macey Burgess
Katherine Kopiec, Esq.
Taylor Bell, Esq.

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

APPROVAL OF AGENDA

Ms. Buttler requested the removal of agenda items 8c. and 8d. due to an administrative cancellation of the hearings.

Motion: To approve the agenda as amended.
Fuller/Liger/approved

INTRODUCATION OF BOARD MEMBERS

The Board and LLR staff members introduced themselves.

APPROVAL OF ABSENT BOARD MEMBER

No board absences

APPROVAL OF MEETING MINUTES

Motion: To approve the minutes from the February 25, 2021 Board Meeting.
Liger/Fuller/approved.

STAFF REPORTS

OIE Statistical Report

Mark Sanders presented the Statistical Report for period of January 1, 2021 to March 31, 2021. The Board has received 19 complaints, 19 cases were opened, 19 cases were closed, and there are 50 current active investigations.

IRC Report

Mark Sanders presented the IRC Report. The Committee recommended 5 cases for Dismissal, 5 case for Dismissal with a Cease and Desist, 2 cases for Formal Complaint, and 2 cases for Letter of Caution.

Motion: To approve the cases for Dismissal.
Tapp/Fuller/approved.

Motion: To approve the case for Dismissal with Cease and Desist.
Liger/Fuller/approved.

Motion: To approve the cases for Formal Complaint.
Fuller/Tapp/approved.

Motion: To approve the cases for Letter of Caution.
Tapp/Liger/approved.

ODC Report

Mr. Elam reported that there are currently 29 open cases of which 13 are pending action. To date, 4 cases have been closed since January 1, 2021.

DISCIPLINARY HEARING

a. 2019-20

Disciplinary case 2019-20 respondent appeared before the Board for a disciplinary hearing and was represented by counsel. All persons testifying were sworn in by the court reporter. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice.
Liger/Tapp/approved.

Motion: To return to public session.
White/Fuller/approved.

Dr. Wessinger stated no votes were taken during executive session.

Motion: To issue a letter of caution.
Liger/Mungo/approved

c. 2019-8

Disciplinary case 2019-8 respondent appeared before the Board for a closed disciplinary hearing. All persons testifying were sworn in by the court reporter. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice.
Tapp/Wallis/approved.

Motion: To return to public session.
Fuller/White/approved.

Dr. Wessinger stated no votes were taken during executive session.

Motion: To confirm reinstatement of licensure and with conditions known to both respondent and Board.
Liger/Fuller/approved

Motion: To return to open session.
Tapp/Liger/approved.

NEW BUSINESS

a. RPP Expanded Services

Ms. Madden presented the Board with expanded services offered by RPP for consideration. RPP prepared a survey they are requesting each of the Board members to complete and submit. Answers will be compiled and presented at a follow up Board meeting.

Motion: To suspend discussion of the proposed offering and table item following further information on RRP provided to all Board members.
Fuller/White/approved.

DISCIPLINARY HEARING

b. 2015-60 & 2016-23

Disciplinary case 2015-60 and 2016-23 respondent appeared before the Board for a disciplinary hearing and was represented by counsel. All persons testifying were sworn in by the court reporter. All hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

Motion: To enter into executive session for legal advice.
Fuller/Tapp/approved.

Motion: To return to public session.
Liger/Mungo/approved.

Dr. Wessinger stated no votes were taken during executive session.

Motion: To issue a dismissal for 2015-60.
White/Wallis/approved

Motion: To issue a letter of caution for 2016-23.
White/Fuller
Liger opposed
Approved.

Motion: To return to open session.
Tapp/Liger/approved.

APPLICANT APPEARANCE

b. Christopher Rubbert, DVM

Dr. Rubbert appeared before the Board for an Application Hearing. He 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.

Motion: To enter into executive session for legal advice.
Fuller/Bryant/approved.

Motion: To return to public session.
Tapp/Bryant/approved.

Dr. Wessinger stated no votes were taken during executive session.

Motion: To approve Dr. Rubbert's application.
Liger/White/approved.

ADMINISTRATOR REPORT

The Board currently has 2,159 active Veterinary licenses, 22 active Intern Veterinary licenses, 665 active Veterinary Technician licenses. Ms. Buttler reported the current account balance as of April 30, 2021 is \$391,099.90.

Ms. Buttler stated the late renewal period closed on 04/30/2021. The Board office was not able to implement the renewal cycle shift as previously discussed with the Board but will work to implement in 2023.

On May 18, 2021, AAVSB issued revisions to the RACE Standards and an update on their CE Tracking System. RACE will begin utilization of the CE Broker system and the Board office is working with AAVSB to streamline reporting for licensees. Ideally, licensees would only have to report CE once and it would show in both the RACEtrack and Board's accounts.

In May 2021, AAVSB launched the Veterinary Care Elite program for Veterinary Technicians. The system is similar to the VAULT system that is set up for licensed veterinarians. The first phase of registration is only for newly graduating VTNE applicants with registration opening to all licensed vet techs later in 2021.

OLD BUSINESS

a. Election of Board Officer: Vice Chair

Ms. Buttler stated the nominee for Vice Chair declined the office and the Board must conduct an election for the Vice Chair position.

Dr. Wessinger opened the floor for nominations of Board Vice Chair.

Motion: To nominate Dr. Fuller to for Board Vice-Chair.
Liger/Bryant

Dr. Wessinger requested any additional nominations. No further nominations were submitted. Dr. Fuller accepted and following a vote by the board members, was approved as Board Vice-Chair for 2021.

b. Post-Graduate Clinical Practice

Ms. Buttler stated that following the February meeting, board staff continued to research the issue regarding 60 day of clinical practice in relation to new graduates. Following extensive research the Board office found the requirement for new graduates to hold a temporary license until completing the 60 day of clinical practice was not supported by the statutes nor regulations. Mr. Stuart provided additional legal advice regarding SC Code of Law Sections 40-69-220, 40-69-240 and 40-69-260. Ms. Buttler presented the Board with four proposed revisions:

1. The requirement for new graduates to complete 60-day post graduate work be removed.
2. Applications be revised to show two pathways: Licensure by Examination and Licensure by Endorsement.
3. In the event the Board office cannot approve an application, the option of Temporary Licensure can be offered to the applicant. The applicant may elect to engage in the temporary licensure for an additional fee and be subject to the supervision requirements until the Board can take action on the application. Temporary licensure will only be offered to those who have submitted a complete application to the Board.
4. For clarification of 40-69-240(C)(1) and 40-69-240(C)(2), "sixty days of clinical practice" will be counted as 60 day period of employment. This is to include holidays, weekends,

and days off.

Motion: To approve the proposed revision as written.

White/Bryant/approved.

c. Review and Approval: Expert Reviewers and IRC Members

The Board was presented with proposed additional IRC members and expert reviewer for review.

Motion: To approve the IRC members and expert reviewers

Liger/White/approved.

NEW BUSINESS

a. Review of Regulation 120-9

Dr. Wessinger stated inquiries had come to the Board office prompting the placing of this agenda item and asked Mr. Stuart and Ms. Buttler to provide background information. Ms. Buttler stated the Board office had received notice that there is a national licensed veterinarian shortage and additional requests regarding expanded telehealth supervision ability for licensed veterinary technicians. Mr. Stuart provided several articles to address the vet shortage issue. Ms. Buttler stated as the issue has multiple facets to review, it is recommended a committee be formed to review and determine if the matter can be addressed via regulation changes or if other action is needed. Dr. Quick and Dr. White both confirmed they had heard of the possible veterinary shortage and provided resources for the committee to better understand the impact in South Carolina. Mr. Stuart provided the Board with a recent ratified legislative bill authorizing the formation of the Equine Industry Support Measures Study Committee.

Motion: To form a committee to review Regulations 120-9 and the matter of veterinary shortage in South Carolina.

Quick/Tapp/approved.

Motion: To enter into closed session for application hearing.

Liger/White/approved.

APPLICANT APPEARANCE

a. Deborah Perzak, DVM

Dr. Perzak appeared before the Board for a closed Application Hearing. She was 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. Dr. Wessinger recused himself from the hearing.

Motion: To enter into executive session for legal advice.

Liger/White/approved.

Motion: To return to public session.

Bryant/Liger/approved.

Dr. Tapp stated no votes were taken during executive session.

Motion: To approve Dr. Perzak's renewal application and issue a letter of caution.

White/Bryant/approved.

PUBLIC COMMENTS

Ms. Mungo suggested adding reporting information for the number of euthanized animals with treatable medical conditions but euthanized due to financial constraints. Ms. Buttler stated she would review the request with Mr. Stuart and report back.

Announcements

The next South Carolina Board of Veterinary Medical Examiners will be held September 2, 2021.

Adjournment

MOTION: To adjourn.
White/Wallis/approved.

The Board meeting was adjourned at 4:10 p.m.