

SOUTH CAROLINA BOARD OF VETERINARY MEDICAL EXAMINERS
Board Meeting Minutes

September 5, 2024 at 9:00 A.M.
110 Centerview Drive, Kingstree Building, Upstate Conference Room
Columbia, South Carolina

Public Notice of this meeting was properly posted at the Veterinary Board Office, Synergy Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media in compliance with the South Carolina Freedom of Information Act, Section 30-4-80.

BOARD MEMBER PRESENT:

Christine E. White, DVM, Chair
George S. Bryant, DVM, Vice Chair
James T. Coker, DVM
Elizabeth M. Fuller, DVM
William Marshall Liger, III, LVT
Mark T. Moore, DVM
Tracie Quick, DVM
Ladon S. Wallis, DVM via WebEx

SCLLR STAFF PRESENT:

Emily Farr – Director, South Carolina Department of Labor, Licensing and Regulation
Brittany Hammond – Chief Financial Officer
Donnell Jennings, Assistant Deputy Director, Office of Investigations and Enforcement
Hardwick Stuart, Esq., Office of Advice Counsel
Erin Baldwin, Esq., Office of Disciplinary Counsel
Robert Elam, Esq., Office of Disciplinary Counsel
Virginia Wetzel, Office of Communications and Governmental Affairs
Amy Holleman, Board Executive
Bianca Smith, Lead Investigator
Tracy Adams, Board Executive
Yolanda Lewis, Administrative Assistant
Saralyn Printz, Paralegal, Office of Disciplinary Counsel
Jennifer Cooper, Administrative Coordinator, Office of Disciplinary Counsel
Latoya Houser, Administrative Coordinator
April Howe, Office of Investigations and Enforcement
Stephen Hoage, Office of Investigations and Enforcement
Josh Shannon, IT Services Specialist, DOTS

PRESENT:

Steven T. Moon, Esq, Rogers Townsend Law Firm
J. Todd Rutherford, Esq, Rutherford Law
Lon Matthew Miyahira, DVM
Michael Terence Sauer, DVM
Dr. Rebecca A. Payne, Medical Director, South Carolina Recovering Professionals Program (SCRPP)
Robyn Madden, JD, Special Counsel, South Carolina Recovering Professionals Program (SCRPP)
Robin K. Reibold, Court Reporter

CALL TO ORDER: Dr. White, Chair called the September 5, 2024 meeting to order at 9:05 a.m.

APPROVAL OF AGENDA:

Motion: To approve the September 5, 2024 agenda
Fuller/Bryant/Approved

BOARD MISSION AND MEMBER STATISTICS:

Dr. White presented the mission of the board and provided information regarding filled, expired, and vacant Board seat.

INTRODUCTION OF BOARD MEMBERS:

The Board members introduced themselves.

APPROVAL OF EXCUSED ABSENCES:

Motion: To excuse Dr. Todd C. Brown
Bryant/Quick/Approved

FEES DISCUSSION – EMILY FARR

Ms. Farr discussed proposed adjustments to license fees and the reviewed processes. Ms. Farr presented an analysis of the Board’s current and projected financials. The Agency recommends an adjustment to the renewal fees for a Veterinarian from \$300.00 to \$340.00, and a Veterinary Technician from, \$60 to \$80.00.

Motion: To support the proposed fee structure as recommended by the Agency
Quick/Fuller/Approved

APPROVAL OF MEETING MINUTES:

Motion: To approve June 13, 2024 Board Meeting minutes.
Bryant/Fuller/Approved

STAFF REPORTS:

Office of Investigations and Enforcement (OIE) Statistical Report:

Ms. Bianca Smith reported for the period from January 1, 2024 to August 21, 2024, there were 71 complaints received with 25 active investigations and 76 closed cases during this period.

Office of Investigations and Enforcement (OIE) IRC Report:

Ms. Bianca Smith reported the IRC met and recommended ten (10) cases for dismissals, and three (3) letters of caution.

Motion: To accept the ten (10) cases for dismissals.
Bryant/Moore/Approved

Motion: To accept three (3) cases for letter of caution.
Bryant/Quick/Approved

The Office of Disciplinary Counsel (ODC) recommended that the Board generate an eblast to all Veterinary licensees regarding the release of patient records, whether or not a client has a balance with the veterinarian and regardless of whether the client pays for the release of the records. The Board agreed and recommended that the disciplinary counsel and the Board Executive consult on the eblast language

Office of Disciplinary Counsel (ODC) Report:

Mr. Elam, reported that as of September 5, 2024, there are thirty-four (34) open cases; six (6) pending hearings and agreements, zero (0) pending closure, one (1) appeal, and eight (8) closed since June 13, 2024. Between January 1, 2024 and June 13, 2024, nineteen (19) cases were closed.

Board Executive Report

Ms. Holleman reported as of date there are 2,777 active veterinarians and 942 licensed veterinary technicians. The Board's cash balance as of May 31, 2024 was -\$142,281.43.

NEW BUSINESS

Approval for 2025 Board Meeting Dates

Motion: To approve March 20 – 21, 2025; June 26-27, 2025; September 11 – 12, 2025 and December 4 – 5, 2025.
Bryant/Quick/Approved

Approval of Expert Reviewers

Executive Session

Motion: To enter an executive session for legal advice.
Bryant/Moore/Approved

Return to Public Session

Motion: To return to public session.
Bryant/Quick/Approved

Dr. White, President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Motion: To Approve Expert Reviewers:

Jennifer Betz, DVM, MS;	Gail D. Mason, DVM, MA, DACVIM;
Rivkah C. Bradsky, DVM, MS;	David C. Grant, DVM, MS;
Patricia Charlton, DVM, MS;	Jennifer Nehring, DVM, CHPV;
James Michael Cissell, DVM, MS, DACVS, LA;	Anna K. J. Parviainen, DVM;
Dane K. Curtsinger, DVM;	Mariola B. Rak, DVM DACVIM;
Amy E. DeClue, DVM, MS;	Nathan Schmidt, DVM;
Michael D. Schlicksup, DVM, DACVS, MBA	Jeff Wilson, DVM
Paige E. Mackey, DVM, MPH, DACVIM (SAIM);	Hilary A. Evans, DVM
Tiffany L. Menke, DVM, Diplomate, AVDC	Tracy Duffner, DVM

Moore/Quick/Approved

Study committee on Statutes and Regulations for Public and Private Shelters, including VCPR
Ms. Erin Baldwin presented before the Board. The Board questioned Ms. Baldwin and discussed the matter. Ms. Baldwin recommended that the Board form a committee that consists of representatives from the professional associations, private and municipal shelter (city or county), the South Carolina Association of Counties, local governments, and one or more Board members.

Motion: To approve a study committee on statutes and regulations for public and private shelters, including the Veterinary Client Patient Relationship (VCPR), with the recommended member representatives and board members, Dr. Elizabeth Fuller, and Dr. George Bryant

Bryant/Moore/Approved

Regulatory Study Review Committee Report

The Board reviewed the regulations submitted by the Regulatory Study Review Committee Report.

Motion: To approve the recommended proposed regulations revisions
Fuller/Bryant/Approved

Update on Appeal Docket No. 24-ALJ-11-0172 AP – Executive Session for Legal Advice

Dr. Wallis recused herself from this matter.

Executive Session

Motion: To enter an executive session for legal advice.
Bryant/Fuller/Approved

Return to Public Session

Motion: To return to public session.
Bryant/Fuller/Approved

Dr. White, Chair, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Dr. Wallis returned to the session.

DISCIPLINARY HEARING:

Disciplinary hearings are recorded by a certified court reporter in the event a verbatim transcript is necessary.

A. Stipulations of Facts

Case No.: 2022-42 – Stipulations of Facts Hearing

Mr. Robert Elam, Disciplinary Counsel, representing the State, presented the Stipulations of Facts. Steven T. Moon, Esq., the respondent's attorney, and the respondent appeared before the Board. The respondent's attorney and the respondent addressed the Board. The State cross-examined the Respondent, and the Board questioned the Respondent

regarding this matter. The State and Respondent's attorney gave closing statements. Dr. White called for a motion to go into executive session to seek legal advice.

Executive Session

Motion: To enter an executive session for legal advice.
Bryant/Moore/Approved

Return to Public Session

Motion: To return to public session.
Bryant/Moore/Approved

Dr. White, President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Motion: Motion to Dismiss
Bryant/Quick/Opposed Fuller/Abstain /Passed by Majority

The Board recessed for 10 minutes.

**Case Nos.: 2021-43, 2021-100, 2022-26, and 2022-69 – Stipulation of Facts Hearing –
CLOSED HEARING**

Mr. Robert Elam, Disciplinary Counsel, representing the State, presented the Memorandum of Agreement Stipulations of Facts. J. Todd Rutherford, Esq., the respondent's attorney, and the respondent appeared before the Board. The respondent's attorney and the respondent addressed the Board. The Board questioned the respondent regarding this matter.

The State presented Tracy Adams, former investigator for the State, and Dr. Rebecca Payne, Director of SCRPP as witnesses. The Board questioned both witnesses. Both, the State and the respondent's attorney gave closing statements. Dr. White called for a motion to go into executive session to seek legal advice.

Executive Session

Motion: To enter an executive session for legal advice.
Bryant/Moore/Approved

Return to Public Session

Motion: To return to public session.
Bryant/Quick/Approved

Dr. White, President, noted for the record, there were no votes taken during Executive Session and called for a disposition in this matter.

Motion: To adopt the MOA and to address allegation number one, which is 20-21-43; 40-59-110(A), which was for record keeping the Board fines the respondent \$250.00. Allegation 40-69-100(11), failure to provide records \$250.00 fine; 40-69-110(A)(11) lack of communication, \$250.00 fine; 40-69-110(A)(11)(1) and 20-21-100 record keeping, \$250.00 fine; 40-1-110(A) practicing under the influence, \$1,000.00 fine; 40-69-10-110(A)(11)

unprofessional and unethical practice, \$1,000 fine' 40-69-110, unauthorized use of controlled drugs, \$1,000.00 fine; 40-1-110(1), practicing under the influence, \$1,000.00 fine; fines due within ninety (90) days of the receipt of the signed order.

Allegations 2022-100, 40-69-110(A)(12) and 2022

The respondent's license shall be suspended for two years from the date of the final order. This suspension is immediately stayed; however, and the respondent's license will be instead be placed in a probationary status subject to respondent's compliance with the terms of the final order. The stay of the suspension would be lifted and suspension enforced should a relevant substantial complaint be filed against respondent in the next two years. Respondent is barred from prescribing controlled drugs for two years. Respondent is limited to thirty (30) hours of work per week for the next two years.

Respondent must enrolled in RPP and remain compliant with the RPP contract. The level of participation that is appropriate for Respondent shall be determined by RPP. Respondent must fully comply with all requirements and recommendations of RPP. If required or recommendations by SRPP, Respondent shall submit to a monitoring and any aftercare activities specified by RPP. RPP will submit regular written reports documenting respondent's full compliance with the terms of the contract with RPP in this order. If respondent fails to meet any of these conditions set forth in this order including failure to comply with the above signed within the proposed deadline, the respondent's license will be immediately administratively suspended, pending compliance with the terms of the order. Proof of respondent's non-compliance shall be presented by the Board staff to the Chair, upon satisfaction of non-compliance, the Board Chair will sign an Administrative Suspension Order on behalf of the Board. Also, any future license violation by respondent shall be constitute to a failure to meet the conditions of this order.

Since the license had been suspended for two years, the Respondent must provide proof of meeting the continuing education requirements for the period of suspension.

Bryant/Moore/Approved

The Chair returned to open session.

PUBLIC COMMENTS (no votes take)

There were no public comments.

NEXT MEETING

December 12-13, 2024 at 9:00 a.m.

ADJOURNMENT

Motion: To adjourn on September 5, 2024 at 4:30 p.m.
Liger/Fuller/Approved