

**BOARD OF VETERINARY MEDICAL EXAMINERS**  
**BOARD MEETING MINUTES**  
110 CENTERVIEW DRIVE, ROOM 111  
COLUMBIA, S.C.  
THURSDAY, OCTOBER 26, 2006, 9:00 A.M.

**MEMBERS PRESENT:** Chairman Glenn B. Haynes, D.V.M., Vice -Chairman Stephen G. Colquhoun, D.V.M., Secretary, Paul D. Patrick, D.V.M., Claude H. Schumpert, D.V.M., James M. Harris, D.V.M., David M. Oliver, D.V.M. Albert W. Platt, D.V.M. and Cindy W. Nord, Ph.D.

**OTHERS PRESENT:** Donald W. Hayden - Board Administrator, Ruby McClain - Deputy Assistant Director, Sharon Dantzler - Legal Services, Pat Hanks, Litigation Attorney, Marcia Rosenberg, Mag Moton - Administrative Assistant, W. Gregory Queen - University Veterinarian Clemson University, Jim Knight -LLR Communications and Governmental Affairs, Lesia Kudelka - LLR Communications and Governmental Affairs, Kathy Meadows - LLR Investigations and Enforcement, Shirley Robinson, LLR Advise Attorney and Carl Raines.

Public Notice of this meeting was properly posted at the S. C. Board of Veterinary Medical Examiners offices, Synergy Business Park, Kingtree Building, 110 Centerview Drive, Columbia, S.C. 29210 and provided to all requesting persons, organizations and news media in compliance with Section 40-4-80 of the South Carolina Freedom of Information Act.

Dr. Haynes called the meeting to order and noted that a quorum was present to conduct business.

The opening session of the meeting began with the approval of the July 27, 2006 board minutes.

**APPROVAL OF JULY 27, 2006 BOARD MINUTES**

Motion: A motion was made by Dr. Patrick and seconded by Dr. Nord, to accept the minutes of the July 27, 2006 meeting as printed.

**EMBRYO TRANSFER**

An embryo transfer presentation was presented by W. Gregory Queen, D.V.M., University Veterinarian, Clemson University. Dr. Queen was invited to the Board meeting in reference to his inquiry of embryo transfer as defined in the Practice Act, section 40-69-120, 13 (c). Embryo transfer is defined as a procedure performed by highly trained personnel in duplicating expensive/superior genetics to improve heart

characteristics and production in cows and mares. Dr. Queen expressed the university's concern of embryo transfer in legal compliance to the South Carolina Practice Act as defined in section 40-69-20 (c); (perform a manual procedure for the diagnosis or treatment for sterility or infertility of an animal, including embryo transplants) as well as the definition of a licensed veterinarian. Dr. Queen requested the Board's clarification in interpreting the statues in reference to embryo transfer. Dr. Queen was invited to attend the November 2, 2006 Rules and Regulations Committee meeting for discussion of embryo transfer.

## **IRC MINUTES OF OCTOBER 12, 2006**

Meeting proceeded with the Review of October 12, 2006 IRC minutes.

### **IRC COMPLAINTS:**

2006-31	-	Formal Complaint
2005-47	-	Formal Complaint
2006-17	-	Formal Complaint (previously reopened)
2006-32	-	Formal Complaint

It was moved by Dr. Harris and seconded by Dr. Patrick to accept the October 12, 2006 IRC's recommendations of the Formal complaints.

Mr. Carl Raines, complainant in one of the IRC's October 12, 2006 recommendations for Formal Complaints questioned if there would be further discussion on the IRC's Formal Complaint recommendations? Sharon Dantzler, legal counsel advised Mr. Raines that further discussion is inappropriate due to the provision of South Carolina laws which forbids the Board from hearing one side of the complaint unless all parties of the complaint are present. Attorney Dantzler encouraged Mr. Raines not to discuss any facts of the complaint in today's Board meeting.

Mr. Raines expressed his frustration in the timeline (slowness) process of the investigation and the lack of communication he received as to what is expected in the process of resolving the complaint. Attorney Dantzler advised Mr. Raines that he speak with Rion Alvey, Program Manager, LLR's Investigations and Enforcement for further discussion of the complaint process. Glen B. Haynes, Board chairman apologized to Mr. Raines. Attorney Dantzler and Mr. Raines were excused from the Board meeting.

Motion: A motion was made to take a five (5) minute break. The motion received a second. The motion carried. Time recessed: 10:03 a.m.

Motion: Glen B. Haynes moved that the Board reconvene meeting. The motion received a second. The motion carried. Meeting reconvened at 10:13 a.m.

The meeting proceeded with the IRC recommendations for dismissal.

- 2006-1 - Dismiss
- 2006-24 - Dismiss
- 2006-26 - Dismiss (discrepancy)
- 2005-46 - Dismiss (discrepancy – typo)
- 2006-5 - Dismiss
- 2006-29 - Dismiss
- 2006-30 - Dismiss
- 2006-42 - Dismiss (discrepancy – typo)
- 2006-43 - Dismiss

Motion: A motion was made by Cindy Nord, Ph.D. to resubmit Case# 2006-26 to the IRC Committee for reconsideration (question of responsibility). The motion was seconded by Dr. Schumpert. The motion carried unanimously.

Motion: A motion was made by Dr. Schumpert to accept the remaining eight IRC recommendations for dismissal. The motion was seconded by Dr. Harris. The motion carried unanimously.

The meeting preceded with IRC recommendations Letters of Caution.

- 2005-38 - Letter of Caution
- 2005-30 - Letter of Caution

Motion: A motion was made by Dr. Patrick to accept the IRC's recommendations for Letters of Caution. The motion was seconded by Dr. Nord. The motion carried unanimously.

The meeting proceeded with IRC recommendations for additional investigation.

- 2005-30 - request for additional investigation

The Board accepted the IRC's recommendation for additional investigation of Case# 2005-30.

### **CONSENT AGREEMENTS**

Pat Hanks, Board's litigation attorney explained the investigative process of Consent Agreements in Case#2005-43, 2005-34 and 2005-24. Attorney Hanks stated that the three cases came before the IRC Committee with recommendations for Formal Complaints. With the Board's acceptance of the IRC's recommendations, Formal Complaints were served in each case to the respondents. The Board was informed by Attorney Hanks that it is a misdemeanor when Board members receive information or engage by contact, involving cases where the respondents are not present to defend oneself (or by way of counsel). The three respondents in each Consent Agreement waived their rights to appear before the Board.

**Case#: 2005-43**

Pat Hanks, litigation attorney summarized the Consent Agreement in Case# 2005-43.

Motion: A motion was made to go into executive session to discuss Case#2005-43. The motion received a second. The motion carried. Time recessed: 10:36 a.m.

Motion: Dr. Haynes moved that the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 11:36 a.m.

Motion: A motion was made by Dr. Harris to accept the Consent Agreement in Case#2005-43. Dr. Patrick seconded the motion. The motion carried unanimously.

**Case# 2005-34**

Pat Hanks, litigation attorney summarized the Consent Agreement in Case# 2005-34.

Dr. Patrick questioned continuing education requirements as stated in the previous Consent Agreement. Shirley Robinson, advise attorney, informed the Board that the required eight hours of continuing education in abdominal surgery as stated in the Consent Agreement, cannot be used in conjunction with the thirty hours of continuing education required for the respondent's 2006-2008 license renewal.

Dr. Colquhoun questioned IRC findings/agreements in Section 3 (b) of the Formal Complaint. Attorney Hanks informed the Board that the IRC only recommended a Formal Complaint. A legal draft of the Formal Complaint was made and forwarded to the IRC Chairman for language approval. No amendments to the Formal Complaint were made by the IRC Chairman.

Motion: A motion was made to go into executive session to conduct a hearing in Case#2005-34. The motion received a second. The motion carried. Time recessed: 11:44 a.m.

Motion: Dr. Haynes moved that the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 12:08 p.m.

Motion: A motion was made by Dr. Patrick to accept the Consent Agreement in Case 2005-34. The motion received a second. The motion carried with two opposing.

**Case# 2005-24**

Pat Hanks, litigation attorney summarized the Consent Agreement in Case# 2005-24.

Motion: A motion was made to go into executive session to discuss Case#2005-24. The motion received a second. The motion carried. Time recessed: 12:12 p.m.

Motion: Dr. Haynes moved that the Board reconvene in public session. The motion received a second. The motion carried. Meeting reconvened at 12:15 p.m.

Paul D. Patrick, D.V.M., board member reclused himself in Case# 2005-24.

Motion: A motion was made to go into executive session to discuss Case# 2005-24. The motion received a second. The motion carried. Time recessed 12: 17 p.m. Meeting reconvened at 12:40 p.m.

Motion: Dr. Schumpert moved that the Board reject the Consent Order in Case# 2005-24. Dr. Colquhoun seconded the motion. The motion carried unanimously.

## **INTERPRETATION OF COMPLETE SERVICES**

Sharon Dantzer, legal counsel informed the Board that the interpretation of complete services are services offered vs. services not offered by a facility. Facilities should provide public notice of limited veterinary services. Dantzer suggested that the interpretation of complete services be molded into the new Practice Act.

## **PRACTICE ACT UPDATE**

Donald Hayden, administrator presented to the Board the first draft of the Rules and Regulations that were prepared for presentation to the legislature. Mr. Hayden asked the Board to review the rules and regulations draft for compliance with the Practice Act.

The Rules and Regulations Committee is scheduled to meet Thursday, November 2, 2006 at 1:00 p.m. Dr. Haynes invited Board members to attend the meeting or forward any input to him, the administrator or legal counsel by Wednesday, November 1, 2006. The pre-filed Bill should come before legislature in January 2007.

## **NEW BUSINESS**

### **PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE - (PAVE)**

Donald Hayden, administrator presented an overview of the PAVE program. The program was launched in 2002, because of concerns by member boards with the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECVFG). PAVE emerged as an alternative to the ECFVG program. PAVE offers licensing boards and international graduates a choice, thereby making the veterinary profession more accessible for qualified international veterinary graduates and raising the bar on education equivalence assessment. To date, twenty-seven states have adopted the PAVE program.

Board members will be forwarded a CD copy of the PAVE program that was submitted to the Board's office by Dr. Colquhoun who recently attended two PAVE seminars.

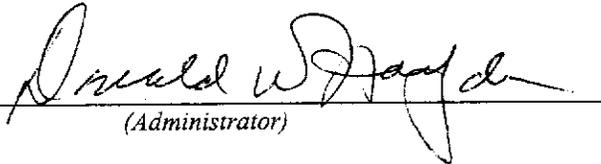
Motion: A motion was made by Dr. Oliver to accept the PAVE program as a credentialing entity. The motion was seconded by Dr. Platt. The motion carried unanimously.

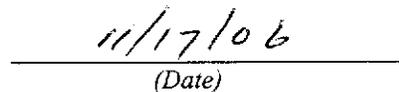
### **BOARD ELECTIONS**

Dr. Haynes informed the Board that the January 11, 2007 Board meeting is to include Board elections.

The next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, January 11, 2007.

There being no further business, the Board adjourned at 1:05 p.m.

  
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(Administrator)

  
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(Date)