

BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING MINUTES

110 CENTERVIEW DRIVE, ROOM 111

COLUMBIA, S.C.

THURSDAY, OCTOBER 25, 2007, 9:00 A.M.

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

MEMBERS ABSENT: Glen B. Haynes, D.V.M.

OTHERS PRESENT: Sondra Stephenson - Board Administrator; Pat Hanks - LLR Legal Counsel; P. C. Faglie - LLR Investigations and Enforcement; Ruby Brice - OHMRP Deputy Director; James Saxon - LLR Advice Attorney; Lynne W. Rogers - Director, LLR Office of General Counsel; Sheridan Spoon, LLR Legal Counsel; Sharon Dantzler - LLR Legal Counsel; Mag Moton - Veterinary Board Administrative Assistant; Annie Heyward - Chiropractic Board Administrative Assistant; and Marcia Rosenberg.

Public Notice of this meeting was posted at the S. C. Board of Veterinary Medical Examiners Board Office, 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. Colquhoun 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 October 10, 2007 IRC Recommendations.

RECOMMENDATIONS FROM OCTOBER 10, 2007 IRC MEETING

Motion: A motion was made by Dr. Patrick to accept the October 10, 2007 IRC recommendations of Dismissals, Formal Complaints and Letters of Concerns. The motion was seconded by Dr. Nord. The motion carried unanimously.

The meeting proceeded with the Review of Applicants.

REVIEW OF APPLICANTS

Craig Sanders, D.V.M., an applicant for licensure appeared before the Board without legal representation or witnesses. Dr. Sanders failed to apply for a temporary intern permit prior to his practicing in the state as an intern.

Motion: A motion was made to convene an Executive Session to deliberate in the matter of Dr. Sanders. The motion received a second. The motion carried. Time recessed 9:12 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 9:28 a.m.

Motion: A motion was made by Dr. Platt to grant Dr. Sanders a temporary intern permit. The motion received a second. The motion carried unanimously.

Melissa B. Privette, D.V.M., an applicant for licensure appeared before the Board without legal representation or witnesses. Dr. Platt recused himself. Dr. Privette answered "yes" to question number nine (pending complaints) on her state examination application.

Motion: A motion was made to convene an Executive Session to deliberate in the matter of Dr. Privette. The motion received a second. The motion carried. Time recessed 9:38 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 9:53 a.m.

Motion: A motion was made by Dr. Patrick to grant Dr. Privette permission to take the South Carolina State Examination; and upon final decision of the pending complaint, Dr. Privette is to notify the Board within thirty (30) days of the final decision.

APPROVAL OF JULY 19, 2007 BOARD MEETING MINUTES

Motion: A motion was made by Ms. Hartman and seconded by Dr. Nord to accept the minutes of the July 19, 2007 Board meeting as printed with the exclusion of a correction to page five (5), Best Practice Issues section, whereas Dr. Platt agreed to collect ideas for IRC Committee Standards and not for the Best Practice Issues.

Motion: A motion was made to take a ten (10) minute recess. The motion received a second. The motion carried. Time recessed: 9:58 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene meeting. The motion received a second. The motion carried. Meeting reconvened at 10:11 a.m.

Meeting proceeded with Board Hearings.

HEARINGS

Dr. Colquhoun gave the Hearing Opening Statement. The meeting proceeded with Case# 2005-43.

Case# 2005-43

Pat Hanks, Department's Litigation Attorney summarized the Order of Case# 2005-43. The Respondent in Case# 2005-43, who was not represented by legal counsel, gave an opening statement. The Respondent petitioned the Board to modify the Consent Agreement in Case# 2005-43 because Respondent has not been able to find an eight (8) hour continuing education course in abdominal surgery as stipulated in the Consent Agreement. Respondent has acquired a twelve (12) hour course in laparoscopic which offered greater visualization of abdominal surgeries. Respondent requested that the Board accept the laparoscopic course in lieu of the abdominal surgery course.

Motion: A motion was made to convene to Executive Session to deliberate Case# 2005-43. The motion received a second. The motion carried. Time recessed 10:21 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 10:35 a.m.

Motion: Ms. Hartman moved to modify the Consent Agreement to accept the laparoscopic course in lieu of the abdominal course. The motion received a second. The motion carried unanimously.

Dr. Colquhoun added that Respondent could not use the twelve-hour laparoscopic course as part of the thirty (30) hours required for the license renewal period ending December 31, 2008.

The meeting proceeded with Consent Agreement – Case# 2006-32.

Case# 2006-32

Dr. Colquhoun gave the Opening Statement. The meeting proceeded.

Pat Hanks, Department's Litigation Attorney summarized the Order of Case# 2006-32. The Respondent in Case# 2006-32 was not present.

Motion: A motion was made to convene to Executive Session to deliberate Case# 2006-32. The motion received a second. The motion carried. Time recessed 10:44 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 11:04 a.m.

Motion: Dr. Oliver moved to accept the Consent Agreement in Case# 2006-32. The motion received a second. The motion carried unanimously.

Dr. Colquhoun added that the Board expressed concerns in reference to Respondent's paper submitted as a requirement of the Consent Agreement in Case# 2006-32. The Board advised Administrator that paper should include reference information.

Motion: A motion was made for a five (5) minute recess. The motion received a second. The motion carried. Time recessed: 11:06 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 11:13 a.m.

Meeting proceeded with Consent Agreement – Case# 2007-07.

Case# 2007-07

Motion: Dr. Harris moved that Board convene to Executive Session to deliberate Memorandum of Agreement – Case# 2007-07. The motion received a second. The motion carried. Time recessed 11:14 a.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 11:25 a.m.

Dr. Colquhoun gave Opening Statement. The meeting proceeded with Case# 2007-07.

Pat Hanks, Department's Litigation Attorney summarized the Order of Case# 2007-07. The Respondent in Case# 2007-07, who was represented by legal counsel, gave an opening statement. The Respondent stipulated and admitted to the facts of the Memorandum of Agreement and petitioned the Board for the appropriate sanctions for her conduct. Attorney Wes Kessinger, the Respondent's legal representative, argued that the Respondent is present to respond to any questions/explanations from the Board.

Motion: Ms. Hartman moved that Board reconvene in Executive Session to deliberate the Memorandum of Agreement – Case# 2007-07. The motion received a second. The motion carried. Time recessed 12:03 p.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 1:15 p.m.

Motion: Dr. Brooks moved to revise the Memorandum of Agreement in Case# 2007-07. to reflect: a Public Reprimand; a \$1000.00 fine; a two (2) year probationary period; Respondent submits a comprehensive policy manual outlining office practices and procedures; and, during the two (2) year probationary period, two (2) unannounced inspections per year. The motion received a second. The motion carried unanimously.

The meeting proceeded with the Consent Agreement in Case# 2005-47.

Case# 2005-47

Motion: Dr. Patrick moved to convene to Executive Session to deliberate Consent Agreement – Case# 2005-47. The motion received a second. The motion carried. Time recessed 1:20 p.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 1:45 p.m.

Dr. Harris recused himself in Case# 2005-47.

Pat Hanks, Department's Litigation Attorney summarized the Consent Agreement in Case# 2005-47. The Respondent in Case# 2007-07 was not present. The Consent Agreement in Case# 2005-47, previously rejected by the Board, was returned to the IRC for further review.

Motion: Ms. Hartman moved to convene to Executive Session to deliberate Consent Agreement – Case# 2005-47. The motion received a second. The motion carried. Time recessed 1:50 p.m.

Motion: Dr. Colquhoun moved that the Board reconvene to public session. The motion received a second. The motion carried. Meeting reconvened at 1:57 p.m.

Motion: Dr. Nord moved to accept the Consent Agreement in Case# 2005-47. The motion received a second. The motion carried unanimously.

The meeting proceeded with an Administrative Law Court Injunction.

ADMINISTRATIVE LAW COURT INJUNCTION

Pat Hanks, Department's Litigation Attorney summarized the September 26, 2007 Administrative Law Court Order in the matter of Judy Tabor d/b/a Pet-Vac Express. The Administrative Law Court Order provided for an injunction to cease and desist business operations. The Administrative Law Court Order has no ending date.

Sondra Stephenson, Board Administrator informed the Board that the Administrative Law Court Order has been publicly posted on the Board's website and The State Newspaper. Also, prior to the Order, an advisory notice was sent to licensees advising them to be aware of mobile veterinary clinics, particularly Pet-Vac Express.

The meeting proceeded with the Rules and Regulations Update.

RULES AND REGULATIONS UPDATE

Sharon Dantzler, LLR Legal Counsel stated that the veterinary regulations are pending in the General Assembly with an April 2008 timeout date. Because of an error in the number of continuing education hours required for the veterinary technician's biannual license renewal, Section 31.27 has been withdrawn. A New Notice of Drafting will be published in the November register. The publication will be available for the December register. The Notice of Drafting is to be forwarded to the Board members for review.

AMERICAN ASSOCIATION OF VETERINARY STATE BOARDS (AAVSB)

Dr. Colquhoun presented Board members with a summary of the AAVSB's sponsored programs and the AAVSB's Annual 2007 Conference. Writers are needed to create questions for the Veterinary Technician National Examination (VTNE). Dr. Colquhoun encouraged members to attend an AAVSB Conference in the future.

The meeting proceeded with New Business.

NEW BUSINESS

SCBVME – IRC RELATIONSHIPS

Dr. Platt presented to the Board a handout addressing several areas of interest and concern regarding SCBVME and IRC Committee members.

Ruby Brice, OHMRP Deputy Director, asked Dr. Platt to work with staff in putting together an operational training for IRC members. Board members were asked to forward any information/concerns to Dr. Platt pertaining to this operational training.

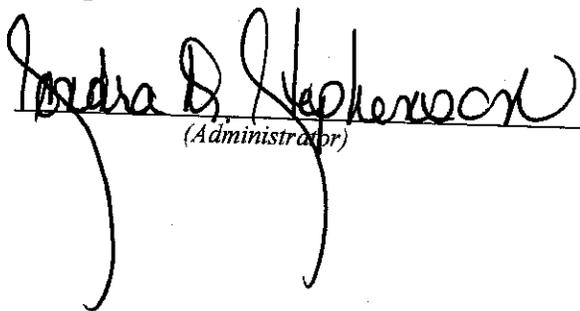
MINIMUM STANDARDS COMMITTEE

Dr. Colquhoun stated that a chairman is still needed for the Minimum Standards Committee.

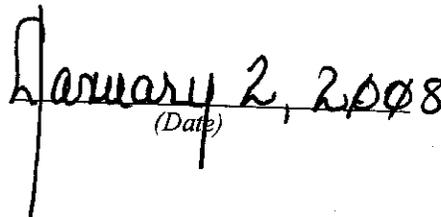
CASE# 2005-43

Pat Hanks, Department's Litigation Attorney returned before the Board to clarify the modification to Consent Order in Case# 2005-43. Hanks stated: The Board did deliberate and granted substitution, specifically to the Consent Order dated November 24, 2006, delivered on December 8, 2006; amended at page 2 of 3, paragraph 2 – deleted the eight (8) hour requirement of abdominal surgery and substituted the laparoscopic surgery consisting of twelve (12) hours. The Board further acknowledges proof of successful completion of said course at the Ohio State College of Veterinary Medicine and that the Respondent has satisfied this requirement.

The next meeting of the South Carolina Board of Veterinary Medical Examiners will be held on Thursday, January 24, 2008. With no further business, the Board adjourned at 2:38 p.m.



(Administrator)



(Date)



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RECOMMENDATIONS FROM OCTOBER 10, 2007, L.R.C. MEETING

IRC Recommendation: DISMISS

Case #	Issue Description	IRC Logic
2006-17	Substandard Care: Owner alleges Veterinarian prescribed steroids for burn to a bird and that steroids should never be used in treating birds.	Reconsideration due to expert reviewer changing initial opinion after receiving additional information.
2006-41	Substandard Care: Allegation was that a River Otter's death was possibly caused by anesthetic overdose.	Expert review done and no violation of the Veterinary Practice Act was found.
2007-2	Negligence: Owner alleges Veterinarian failed to properly give advice on how to handle emergency with a dog that suffered with recurrent seizures.	Expert review done and no violation of the Veterinary Practice Act was found.
2007-14	Substandard Care: The client alleges the Veterinarian failed to diagnosis a broken leg of a dog.	Expert review done and no violation of the Veterinary Practice Act was found.
2007-20	Client alleges mobile clinic operator failed to provide flea preventative after customer ordered and paid for product through the mail.	No jurisdiction as this was a mobile clinic owned by unlicensed person. A statewide injunction has been issued by ALC and there was not a veterinarian associated with this case.
2007-26	Unprofessional Act: Owner alleges Veterinarian performed surgery without owner's knowledge or consent.	Reviewed by expert: No evidence to support charges.
2007-32	Veterinarian discovered falsified Coggin's certificate bearing his name was a forgery.	Investigation failed to determine who produced the certificate in the Veterinarian's name.
2007-42	Unprofessional conduct: Client alleges mobile clinic operator failed to show up for scheduled appointment.	No jurisdiction as this was a mobile clinic owned by unlicensed person. A statewide injunction has been issued by ALC and there was not a veterinarian associated with this case.
2007-43	Unlicensed facility selling legend drugs such as Heartgard.	Investigation revealed no jurisdiction as facility was unlicensed and no Licensee was associated with the facility. A Pharmacy Board investigation has been opened.
Total Cases: 9		

IRC Recommendation: FORMAL COMPLAINT

Case #	Issue Description	IRC Logic
2006-38	Negligence-Veterinarian working for mobile clinic failed to properly ensure rabies vaccination certificates and tags met guidelines as dictated by statute.	Violation of Practice Act substantiated.
2006-39	Negligence-Veterinarian working for mobile clinic failed to properly ensure rabies vaccination certificates and tags met guidelines as dictated by statute.	Violation of Practice Act substantiated.

Total Cases: 2

IRC Recommendation: LETTER OF CAUTION

Case #	Issue / Description	IRC Logic
2006-46	Negligence: Client alleges Veterinarian did surgery on the day before the facility would be closed and did not furnish emergency contact information.	No violation found. Investigation revealed proper notice of emergency procedures. However, LOC recommended related to importance of documenting offering of pain medications to client for animal after surgery.

Total Cases: 1