VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
RICHMOND, VA
NOVEMBER 17, 2009

CALL TO ORDER: A quorum of the Board of Veterinary Medicine (Board) was called to order at 8:40 a.m. at the Department of Health Professions (DHP), Perimeter Center, Richmond, VA

PRESIDING OFFICER: James DeBell, DVM, President

MEMBERS PRESENT:
John Wise, DVM
Joseph May, DVM
Henry McKelvin, DVM
Taryn Singleton, LVT
Kelly Gottschalk, DVM
Dorothy Blackwell

STAFF PRESENT:
Leslie Knachel, Executive Director
Terri Behr, Operations Manager
Eric Gregory, Assistant Attorney General
Elaine Yeatts, Senior Policy Analyst
Sandra Ryals, Agency Director
Charles Giles, Budget Manager
Sammy Johnson, Deputy Director Enforcement
Elizabeth Carter, Workforce Director
Carol Stamey, Operations Manager

OTHERS PRESENT: Susan Seward, Virginia Veterinary Medical Association (VVMA)

OPENING REMARKS: Mrs. Ryals introduced Leslie Knachel, the Board's new Executive Director and provided her background and qualifications. She thanked the Board and Dr. Gottschalk specifically for her participation on the interview panel for Ms. Knachel.

ORDERING OF AGENDA: On properly seconded motion by Dr. May, the Board voted unanimously to add two items to the agenda for discussion. The first item to be added is under Tab 3 and involves discussion of Guidance Document 150-9 for possible revisions. The second item to be added is under Executive Director's Report and is a discussion of reinstituting emailing of Board information to

licensees, including Board newsletters.

PUBLIC COMMENT: No public comment was presented.

DIRECTOR'S REPORT: Mrs. Ryals reported to the Board on the Governor's Key Performance Measures and how the 13 regulatory boards within DHP were performing with particular emphasis on the Board of Veterinary Medicine. She stated that the statistics are reported on the agency's website and can also be accessed on the Virginia Performs website. Mrs. Ryals stated that in the 3rd quarter, the agency has met and exceeded the 250 day turnaround time for disciplinary cases.

Mrs. Ryals reported that the Board continues to do exceptionally well with its disciplinary caseload with a clearance rate of 108%.

Mrs. Ryals reported that the customer service measures for the Board took a dip this quarter do to a new staff problem, but that the issue has addressed. She stated that the customer service survey has been revamped and will more clearly define what items are in our control and what items are not.

PROPOSED FEE INCREASE: Charles Giles, Budget Manager, reported to the Board that without a fee increase, the Board's projected cash shortfall is predicted to be $1.4M by the end of FY2014. He explained some of the budget assumptions pertaining to the Board's projected shortfall. He further discussed that the agency is projecting increases in Virginia Information Technology Agency costs of $500K for each fiscal year through 2014. In addition, he informed the Board that DHP will be assessed a $636,000 cash transfer to assist with the FY2010 state budget revenue shortfall. The Board will be responsible for $14,280.

Ms. Yeatts reported to the Board regarding the proposed fee increases because of the budget shortfall in veterinary medicine. She stated that the earliest the fee increase would go into effect would be FY2011. Ms. Yeatts stated that a one time assessment would also be necessary. She stated that there is no way for the budget to be in the black by FY2014 with just a fee increase and

no assessment. The assessment is scheduled to occur in FY2012 and will alleviate the necessity for a substantially higher fee increase. Ms. Yeatts went over the proposed fee increase packet handed out at today's meeting. She stated that the actual increases to the fees can be seen under 18VAC-150-20-100 and that the one time assessment is in Subsection B. This is the first time that this board has had to do a one time assessment, but she stated that other boards have done it in the past. Ms. Yeatts also directed the Board to review the Principles of Fee Development under Tab 1 in their agenda. She stated that all of the other boards in the agency allow a licensee to renew their license for one year after expiration, provided they are not practicing, by just paying the renewal fee and the late fee. Currently, the Board of Veterinary Medicine is the only board within DHP that requires its licensees to apply for reinstatement of a license that is 30 days or more passed its expiration. She suggested that all boards should be uniform in this requirement and that licenses should be reinstated only after they have expired for one year or more. Ms. Yeatts stated that revisions have been added to 18VAC150-20-75 to change the requirement for reinstatement from 30 days to one year after expiration of the license. Ms. Yeatts stated that the change of veterinarian in charge (VIC) fee in the proposed regulations is still listed as $30, but should be $40.

On properly seconded motion by Ms. Singleton, the Board voted unanimously that the equine dental technician fees should be increased to be more inline with the increases assessed to licensed veterinary technicians. The renewal fee for equine dental technicians will be $70 and the late fee $25. The motion also included increasing the change of VIC fee to $40.

On properly seconded motion by Dr. May, the Board voted unanimously to accept the draft proposal with fee increases as amended.

BYLAWS AMENDMENTS;

Ms. Yeatts gave an overview of the proposed revisions to the bylaws. She stated in Article I that there currently are no limitations on how long

a member could serve as president, so a revision has been made to limit a president to serve two terms. The other revision to Article I is clarification as to when elections will take place annually and that they shall require a majority vote of the members present. Ms. Yeatts stated that in Article III, which defines committees, there is currently no provision for a credentials committee, so language has been added. Also, in Article IV a section (F) has been added to state that the Board delegates authority to its Executive Director to review information regarding alleged violations of law or regulations, and after consulting with a member of a special conference committee, determine whether probable cause exists to proceed with possible disciplinary action.

On properly seconded motion by Dr. Gottschalk, the Board voted unanimously to accept the amendments to the bylaws as proposed.

REGULATORY/LEGISLATIVE UPDATE:

Ms. Yeatts informed the Board, just for informational purposes, that certain agencies are in the discussion phase of possibly creating a Memorandum of Understanding between agencies that would allow health care practitioners licensed in other states, but not in Virginia, to come into Virginia to practice in the event of a disaster or emergency situation. Ms. Yeatts stated that the Governor could also issue an emergency proclamation which would allow out-of-state licensed practitioners to practice in Virginia in the event of an emergency situation. Ms. Yeatts further stated that the VVMA has legislation pending also, which would cover the situation in an emergency or disaster.

GUIDANCE DOCUMENT 150-9:

Dr. May stated that in the guidance document on medical recordkeeping, it appears some words were left out under the "P" or "Plan" section.

On properly seconded motion by Dr. May, the Board voted unanimously to add the phrase "additional tests or information" so that the first sentence under the "P" section reads "Under "P" or plan, you will document your recommendations to the client and go over your ***therapeutic plan*** in which you will prescribe medication or make recommendations or a ***diagnostic plan*** if you

need additional tests or information to make a final diagnosis."

APPROVAL OF MINUTES:

On properly seconded motion by Ms. Blackwell, the Board voted unanimously to adopt the minutes of the Legislative/Regulatory Committee meeting of July 14, 2009, the minutes of the full board meeting of July 14, 2009, the minutes of the full board meeting of August 19, 2009 and the minutes of the Formal Hearing of August 19, 2009, as presented.

BOARD DISCUSSION:

The Board discussed a letter from Dr. Sidney Storozum in which he requested that the Board communicate to the American Association of Veterinary State Boards that we would like for them to consider approving holistic medicine courses for continuing education. The Board directed Ms. Knachel to draft a letter to Dr. Storozum thanking him for his letter and input, but the Board will take no further action.

EXECUTIVE DIRECTOR'S REPORT:

Statistics
Ms. Knachel reported that the Board of Veterinary Medicine currently has 42 cases in investigations, 11 at probable cause, seven in APD, one at informal conference level and two at formal hearing level. She also reported on the total number of licensees under the Board's jurisdiction.

Advisory letters
Ms. Knachel reported that a review of the Board's previous minutes revealed a discussion in the minutes of the meeting of August 9, 2006, by then Deputy Director Emily Wingfield regarding the use of advisory letters. Ms. Knachel read the excerpt from the minutes regarding advisory letters. She further stated that the letter must be brief and very specific and should not refer to a specific way to practice veterinary medicine.

Newsletters, emails and website
Ms. Knachel reported to the board that we will start to make use of email more frequently to disseminate information and newsletters to our licensees. She stated that eventually renewal letters will go to licensees via email. Dr. May suggested that more informational links should be

put on our website, such as a link to the animal laws that define abuse of animals, etc. Ms. Knachel suggested that Board members email her with suggestions of links that would be helpful to our licensees. Dr. DeBell stated that a newsletter should be sent out soon.

Additional item
Ms. Knachel brought up an additional item for board discussion which was a letter from Ms. Sarah Hill in which she requested that the Board instruct veterinarians to provide the owner of an animal with a prescription 48 hours in advance of the next scheduled office visit.

On properly seconded motion by Dr. May, the Board voted unanimously to decline to take any action on Ms. Hill's request.

ADJOURN:

The Board adjourned the Board meeting at 10:35 a.m. to conduct a Formal Hearing.

RECONVENE:

The Board reconvened the full board meeting at 2:10 p.m. in order to conclude the remaining items on its agenda.

NEW BUSINESS:

Election of Officers
On properly seconded motion by Dr. Wise, the Board voted unanimously to re-elect Dr. DeBell as President for another term and to elect Dr. May as Vice-President.

Set calendar for 2010
The Board chose dates for meetings in 2010. These dates are subject to change if conference rooms are not available on the chosen dates. The final calendar will be posted on the Board's website.
January 20, 2010 – Informal hearings
February 9, 2010 – Board meeting
March 18, 2010 – Informal hearings
April 20, 2010 – Informal hearings
May 19, 2010 – Informal hearings
June 23, 2010 – Board meeting
June 24, 2010 – Informal hearings
July 20, 2010 – Informal hearings
August 18, 2010 – Informal hearings
September 16, 2010 – Informal Hearings
October 20, 2010 – Board meeting

October 21, 2010 – Informal hearings
November 16, 2010 – Informal Hearings

MEETING ADJOURNED: There being no further business, the meeting adjourned at 2:25 p.m.

J. DeBell DVM

James DeBell, DVM, President

Leslie L. Knachel

~~Elizabeth A. Carter, Ph.D.~~, Executive Director

Leslie L. Knachel, MPH,