VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
TRAINING ROOM 2
HENRICO, VA
APRIL 20, 2017

TIME AND PLACE: The Board of Veterinary Medicine (Board) was called to order at 9:03 a.m., at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Board Room 2, Henrico, Virginia.

PRESIDING OFFICER: Ellen G. Hillyer, D.V.M., President

MEMBERS PRESENT:
Tregel M. Cockburn, D.V.M.
Autumn N. Halsey, L.V.T.
Mark A. Johnson, D.V.M.
Steven B. Karras, D.V.M.
Bayard A. Rucker, III, D.V.M.
Mary Yancey Spencer, J.D., Citizen Member

QUORUM: With seven members of the Board present, a quorum was established.

STAFF PRESENT:
Leslie L. Knachel, Executive Director
Amanda E. M. Blount, Deputy Executive Director
Elaine Yeatts, Senior Policy Analyst
Charis Mitchell, Assistant Attorney General, Board Counsel
Carol Stamey, Licensing Operations Manager
Terri Behr – Discipline/Compliance Specialist
Brandy Latvala – Administrative Assistant

OTHERS PRESENT:
Robin Schmitz, Virginia Medical Association of Virginia (VVMA)
Susan Seward, VVMA

ORDERING OF AGENDA: No changes were made to the agenda.

PUBLIC COMMENT: No public comment was presented.

DIRECTOR'S REPORT: Dr. Brown was not available to provide a report.

APPROVAL OF MINUTES: Ms. Spencer moved to approve the following minutes, as a block as presented:

- January 18, 2017, Regulatory Advisory Panel on Faculty Licensure;
- January 18, 2017, Regulatory Advisory Panel on Opioid Prescribing;
- February 9, 2017, Public Hearing on Proposed Regulations;
- February 9, 2017, Full Board; and
- February 9, 2017, Resolution of Case No. 159438.

The motion was seconded and carried.

LEGISLATIVE/REGULATORY UPDATE:

Regulatory Update
Ms. Yeatts reviewed the following regulatory actions with the Board:

Emergency Regulations for Prescribing Opioids and Buprenorphine

- **Review Emergency Regulation Process**
  Ms. Yeatts reported that HB2163 was amended during the veto session to allow for the Board of Veterinary Medicine to develop regulations related

to prescribing buprenorphine without naloxone.

- **Review Draft Regulations**
  Ms. Yeatts provided a handout of a revised draft of emergency regulations (18VAC150-20-174. Prescribing of controlled substances for pain or chronic conditions) for the board's consideration.

  The Board discussed the regulations and suggested that 18VAC150-20-174(3) be amended by deleting "as determined by the manufacturer's directions for use" because directions for off-label use for an animal are not included.

- **Take Action Regarding Adoption of Emergency Regulations**
  Dr. Rucker moved to adopt the Emergency Regulations with the suggested amendment and to issue a Notice of Intended Regulatory Action for replacement regulation. The motion was seconded.

  Ms. Knachel informed the board that Ms. Powers, Director of Communications, is developing a flyer that includes links to information on drug destruction, proper storage, and risks to animals and humans. Additionally, Ms. Knachel reported that an email alert will go out to all licensees about the emergency regulations once approved by the administration.

Regulations for Periodic Review

- **Review Public Comment**
  Ms. Yeatts referred the board to a summary of public comment in the agenda package for the board's consideration and response.

- **Respond to Public Comment**
  Delegation of Duties
  Ms. Yeatts informed the board that a vast majority of the public comment was in response to proposed language for 18VAC150-20-172(B). Due to the volume of public comment related to this one regulation, she requested that the board review this section first. The Board discussed the comments and possible amendments.

  Dr. Rucker moved to amend 18VAC150-20-172(B) to state the following: "Injections involving chemotherapy drugs, subgingival scaling, intubation, or the placement of intravenous catheters shall not be delegated to an assistant. An assistant shall also not be delegated the induction of sedation or anesthesia by any means. The monitoring of a sedated or anesthetized patient may be delegated to an assistant, provided a veterinarian or licensed veterinary technician remains on premises until the patient is fully recovered." The motion was seconded and carried.

  Requirements for drug storage, dispensing, destruction, and records for all establishments
  Dr. Karras moved to amend the proposed language in 18VAC150-20-190(D) to state the following: "All veterinary establishments shall maintain drugs in a manner with precaution taken to prevent theft or diversion. Only the veterinarian, veterinary technician, pharmacist, or pharmacy technician shall have access to Schedule II through V drugs, with the exception provided in subdivision 6 of this subsection 6." The motion was seconded and carried.

The board discussed the need to add language in the regulations to allow unlicensed personnel to dispense Schedule II through V drugs for hospitalized or boarded patients.

Ms. Halsey moved to amend 18VAC150-20-190(D) by adding subsection 6 to state the following: "Access to drugs by unlicensed persons shall be allowed only under the following conditions:

a. An animal is being kept at the establishment outside of the normal hours of operation, and a licensed practitioner is not present in the facility;
b. The drugs are limited to those dispensed to a specific patient; and
c. The drugs are maintained separately from the establishment's general drug stock and kept in such a manner so they are not readily available to the public."

The motion was seconded and carried.

Requirements of veterinarian-in-charge

Dr. Rucker moved to amend 18VAC150-20-181(C) to state the following: "Prior to the sale or closure of a veterinary establishment, the veterinarian-in-charge shall:

1. Follow the requirements for transfer of patient records to another location in accordance with § 54.1-2405 of the Code of Virginia; and
2. If there is no transfer of records upon sale or closure of an establishment, the veterinarian-in-charge shall provide to the board information about the location of or access to patient records and the disposition of all scheduled drugs." The motion was seconded and carried.

Revision of practice act to include fish

The consensus of the Board was that "fish" should not be classified as a companion animal.

Emergency lighting

The Board discussed that the definition of emergency lighting does not include a head loop.

Preceptee

The Board discussed whether an Educational Commission of Foreign Veterinary Graduates (ECFVG) candidate should be included in the definition of "preceptee." No change was made.

Ambulatory veterinary establishments

Dr. Rucker moved to add draft language to 18VAC150-20-201(B)(1) to state the following: "Surgery may be performed only in a surgical suite at a registered establishment that has passed inspection. However, surgery requiring only local anesthetics may be performed at a location other than a surgical suite." The motion was seconded and carried.

Clarification of preceptorship and informed consent for surgery

The board discussed and requested Ms. Yeatts to draft revised language to clarify 18VAC150-20-130(B) and 18VAC150-20-173(C) for the board's discussion following Dr. Carter's presentation.

DISCUSSION ITEMS:

Healthcare Workforce Data Center Survey Questions:
Dr. Carter provided the board with a listing of survey questions to begin development of the Healthcare Workforce Data Survey. The board provided additional information for inclusion in the survey questions.

LEGISLATIVE/REGULATORY UPDATE CONTINUED:

- **Regulations for Periodic Review continued**

  Clarification of preceptorship and informed consent for surgery continued
  Ms. Yeatts provided proposed draft language for the board's discussion and consideration.

  Dr. Karras moved to amend 18VAC150-20-130(B) to state the following: "Whenever a veterinary preceptee or extern is performing surgery on a patient, either assisted or unassisted, the supervising veterinarian shall be in the operatory during the procedure. Prior to allowing a preceptee or extern in veterinary medicine to perform surgery on a patient unassisted by a licensed veterinarian, a licensed veterinarian shall receive written informed consent from the owner."; and 18VAC150-20-173(C) to state the following: "If a veterinary preceptee, or extern is to perform the surgery, either assisted or unassisted, the informed consent shall include that information. If the surgery is to be performed by a preceptee or extern unassisted by the veterinarian, the written informed consent shall specifically state that information."
  The motion was seconded and carried. The proposed amended draft language is as follows:

  Delegation of Duties
  Dr. Johnson moved to amend 18VAC150-20-172(C) to state the following: "Tasks that may be delegated by a licensed veterinarian to a properly trained assistant include but are not limited to the following." The motion seconded.

  The Board discussed changing to 18VAC150-20-172(C)(7) to state the following: "Prepping a patient or equipment for surgery.

  Dr. Johnson agreed to include the discussed amendment with his motion. The motion carried.

  Allowance of IV catheters by unlicensed assistants
  The Board discussed allowing unlicensed assistants to place IV catheters. No change was made.

  Closure of skin flap
  The Board discussed the comment about closure of skin flaps. No change was made.

- **Take Action Regarding Adoption of Final Regulations**
  Dr. Karras moved to adopt the final regulations as amended. The motion was seconded and carried.

DISCUSSION ITEMS CONTINUED:

Expert Admissibility Standards
Ms. Mitchell presented two expert witness admissibility standards (Traditional Virginia Standard and Virginia Medical Malpractice Standard) for the Board's consideration.

Ms. Spencer moved to adopt the Traditional Virginia Standard as its expert witness admissibility standard. The motion was seconded and carried.

Drug Loss Investigation Protocol
Ms. Knachel reported that the Board regularly receives reports of thefts and/or unusual loss of controlled substances. She asked the Board to consider a protocol to determine how to proceed with such a report.

Ms. Halsey moved that the Board President be delegated the authority to review the drug and theft and loss reports to determine how to proceed. The motion was seconded and carried.

PRESIDENT'S REPORT: Dr. Hillyer stated that she did not have a report to present.

BOARD OF HEALTH PROFESSIONS' REPORT: Dr. Johnson stated that he did not have a report to present.

STAFF REPORTS:

Executive Director's Report
Ms. Knachel reviewed licensure statistics, budget information and outreach activities.

Discipline Update
Ms. Blount provided an overview of the caseload statistics. Additionally, she informed the board that a report on the Board's 250-day case closure statistics will be provided at the next board meeting.

Continuing Education (CE) Audit
Ms. Stamey provided an overview of the breakdown of the CE audit conducted in March 2017 for the CE obtained in 2016. She stated the audit is not yet completed, but the results should be available for the next meeting.

NEW BUSINESS: No new business was identified.

ADJOURNMENT: The meeting adjourned at 1:00 p.m.

Ellen G. Hillyer, D.V.M.
Chair
8/24/17
Date

Leslie L. Knachel, M.P.H
Executive Director
8/24/17
Date