VIRGINIA BOARD OF VETERINARY MEDICINE
MINUTES OF FULL BOARD
DEPARTMENT OF HEALTH PROFESSIONS
BOARD ROOM 3
HENRICO, VA
MARCH 15, 2018

TIME AND PLACE: The Board of Veterinary Medicine (Board) was called to order at 9:00 a.m., at the Department of Health Professions (DHP), Perimeter Center, 9960 Mayland Drive, 2nd Floor, Training Room 2, Henrico, Virginia.

PRESIDING OFFICER: Autumn N. Halsey, L.V.T., President

MEMBERS PRESENT:
Tregel M. Cockburn, D.V.M.
Ellen G. Hillyer, D.V.M.
Mark A. Johnson, D.V.M.
Steven B. Karras, D.V.M.
Bayard A. Rucker, III, D.V.M.

MEMBERS NOT PRESENT: Mary Yancey Spencer, J.D., Citizen Member

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

STAFF PRESENT:
David E. Brown, D.C., Director
Barbara Allison-Bryan, M.D., Chief Deputy Director
Leslie L. Knachel, Executive Director
Charis Mitchell, Assistant Attorney General, Board Counsel
Elaine Yeatts, Senior Policy Analyst
Amanda E. M. Blount, Deputy Executive Director
Michelle Schmitz, Director, Enforcement
Pam Twombly, Deputy Director, Enforcement
Marta Ann Spruill, Case Intake Analyst, Enforcement
Melody Morton, Inspections Manager, Enforcement
Ralph Orr, Director, Prescription Monitoring Program (PMP)
Carol Stamey, Licensing Operations Manager

OTHERS PRESENT:
Robin Schmitz, Virginia Medical Association of Virginia (VVMA)
Jim Penrod, Executive Director, American Association of Veterinary State Boards (AAVSB)

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

PUBLIC COMMENT: No public comment was presented.

APPROVAL OF MINUTES: Dr. Karras moved to approve the meeting minutes for the following meetings as presented:

- October 24, 2017, Full Board;
- January 17, 2018, Conference Call;
- February 8, 2018, Public Hearing;
- March 1, 2018, Formal Hearing (Case Nos. 174333 & 181624);
- March 1, 2018, Consideration of Possible Resolution; and
- March 1, 2018, Formal Hearing (Case Nos. 181974 & 183874).

The motion was seconded and carried.

DIRECTOR'S REPORT: Dr. Brown reported on the following items:

- Recent gubernatorial appointments;
- Introduction of Dr. Allison-Bryan, Chief Deputy Director;
- Acquisition of additional space and move of the agency's business operations;
  to the first floor;
- Announcement of Lisa Hahn as the new agency Chief Operating Officer;
- Online complaint form; and
- New agency logo.

Dr. Brown also thanked the Board and Ms. Knachel for its work to address the opioid crisis.

PRESENTATION ON AAVSB STATE BOARDS – JAMES PENROD, AAVSB EXECUTIVE DIRECTOR:

Mr. Penrod presented an overview of the services offered by the AAVSB and its recent activities.

LEGISLATIVE/REGULATORY UPDATE:

2018 Legislative Update
Ms. Yeatts provided a brief summary of the 2018 legislative session effecting the Board of Veterinary Medicine.

Ms. Yeatts introduced Ralph Orr, Director of the PMP Program. Mr. Orr provided an overview of the PMP registration and reporting processes as it relates to veterinarians based on recent legislation. Ms. Knachel and Mr. Orr commented that educational materials will be forthcoming.

2019 Legislation: § 54.1-3807(7) amendment to include license surrender in lieu of disciplinary action
Ms. Yeatts presented a proposed revision to § 54.1-3807(7) of the *Code of Virginia* to add the language "or has surrendered his license or registration in lieu of disciplinary action."

Dr. Hillyer moved to adopt the proposal for submission as part of the Department of Health Professions' 2019 legislative package. The motion was seconded and carried.

Faculty and Intern/Resident Licenses – Update
Ms. Yeatts informed the board that the regulations requiring licensure of Faculty and Intern/Residents was at the Secretary's office. She noted that the *Code of Virginia* required licensure effective July 1, 2018.

Petition for Rulemaking – Administration of Drugs by Unlicensed Assistants
Ms. Yeatts presented the petition for rulemaking. She indicated that the Board could initiate rulemaking to make changes to the regulations or it could deny the petition. The Board discussed the petition.

Dr. Hillyer moved to deny the petition because the Board believes the delegation of administration of Schedule II through V drugs to unlicensed assistants was not consistent with protection of public health. The motion was seconded and carried.

Prescribing of Opioids
Ms. Yeatts noted that the Regulatory Advisory Panel had met to consider public comment and recommended changes to the Opioid regulations for the board's consideration and adoption.

- **Consideration of comments and recommendations from the Regulatory**

Advisory Panel
Following a review of the recommended changes to the proposed opioid regulations, the Board recommended that 18VAC150-20-174(A)(3) be revised by adding "initial" before the word "dose."

- **Adoption of final regulations**
  Dr. Rucker moved to adopt the final opioid regulations as amended. The motion was seconded and carried.

Changes to 18VAC150-20-185: Consideration of amendment to change reinstatement contingent on re-inspection
Ms. Knachel requested that the Board consider making a regulatory change to the 10VAC150-20-185(C) by eliminating the requirement for the reinstatement of a veterinary establishment registration be contingent on a reinspection. She indicated that the number of reinstatements every year might prevent a timely reinspection.

The Board discussed recommended changes and requested that the reinspection remain as part of the process, but not have reinstatement contingent on the reinspection. Ms. Yeatts suggested an amendment to add a statement that "reinstatement shall require an inspection." She indicated that the regulatory change could be completed by a fast track action.

Dr. Rucker moved to adopt the proposed language as amended in 18VAC150-20-
The motion was seconded and carried.

DISCUSSION ITEMS:

Revision to Guidance Document 150-8 Practicing on an Expired License/Registration
In conjunction with the proposed amendment to 18VAC150-20-185(B) & (C), Ms. Knachel recommended that Guidance Document *150-8 Disposition of Cases Involving Practicing on an Expired License or Registration* be revised. The Board discussed the suggested recommendations for "possible actions" for the veterinary establishment. After review and discussion, the Board determined that the "possible actions" for licensees should be parallel with the veterinary establishments and requested staff make the amendments.

Dr. Hillyer moved to adopt the changes to Guidance Document 150-8 as amended. The motion was seconded and carried

Review of other DHP Boards' Telemedicine Guidance Documents
During the previous board meeting, Ms. Yeatts suggested that the Board might want to review the other health regulatory boards' telemedicine guidance documents. She indicated that a regulatory advisory panel could be convened if the Board wished to draft a telemedicine guidance document with input from stakeholder. Ms. Halsey asked for volunteers. Ms. Halsey, Dr. Johnson and Dr. Rucker expressed interest in serving on the panel. Ms. Knachel was asked to contact the VVMA to determine if they would like to have a representative on the panel.

2018 Annual Meeting of the AAVSB
Ms. Knachel requested names of the board members interested in attending the annual meeting of the AAVSB. Drs. Cockburn, Johnson, and Karras and Ms. Halsey expressed interest in attending the meeting.

PRESIDENT'S REPORT:

Ms. Halsey reported that she had attended the Virginia Veterinary Conference business meeting and presented the Board's activity report.

BOARD OF HEALTH PROFESSIONS' REPORT: Dr. Johnson presented a brief summary of the Board of Health Professions' activities.

STAFF REPORTS:

Executive Director's Report
Ms. Knachel reviewed licensing statistics, budget information and recent outreach communication to licensees regarding prescribing opioids, prohibition of red foxes as pets and re-categorization of veterinary establishments.

Discipline Update – Amanda Blount
Ms. Blount provided an overview of the caseload statistics and noted that there had been a significant increase in the number of disciplinary cases. Ms. Blount also presented brief training on "probable cause" and completion of the Sanction Reference Point sheet.

NEW BUSINESS: No new business was presented.

NEXT MEETING: The next meeting of the board is scheduled for July 23, 2018.

ADJOURNMENT: The meeting adjourned at 11:55 a.m.

Autumn N. Halsey, L.V.T.
Chair
11/6/18
Date

Leslie L. Knachel, M.P.H
Executive Director
11/7/18
Date