

**GEORGIA STATE BOARD OF VETERINARY MEDICINE**  
**Board Meeting**  
**February 2, 2011**  
**Professional Licensing Boards**  
**237 Coliseum Drive, Macon, GA**  
**9:30 a.m.**

The meeting of the Georgia State Board of Veterinary Medicine was held on Wednesday February 2, 2011, at the Professional Licensing Boards, 237 Coliseum Drive, Macon, Georgia.

**Members present**

Henry Bohn, DVM, President  
 Edsel Davis, DVM  
 Hugh Hill, DVM  
 Jan Hines, DVM  
 Charles Lance  
 Beckey Malphus, DVM

**Others present**

Amelia Baker, Board Attorney  
 Anita Martin, Executive Director  
 Lynn Reece, GVTA  
 Dale Russell, Fox 5 News  
 Anna Santos, GVTA  
 Carol White, Board Support Specialist

**Open Session**

President Bohn established that a quorum was present and the meeting that was scheduled to begin at 9:30 a.m. was called to order at 9:39 a.m.

President Bohn welcomed the visitors to the meeting.

Dr. Beckey Malphus agreed to be a spokesperson for the Board and was interviewed by Dale Russell, Fox5 News concerning Michael Kay, DVM. Dr. Malphus stated there is no Public Disciplinary action concerning Dr. Kay. Further, Mr. Russell asked Dr. Malphus the Board's interpretation of Georgia Law OCGA §43-50-44(14). No Board action was taken in this matter.

**Approval of minutes from the December 1, 2010 board meeting** – Dr. Hines made a motion to approve the minutes. Dr. Hill seconded the motion and it carried unanimously.

**Licenses to ratify** – Dr. Malphus made a motion to ratify the list of licenses, Dr. Hill seconded and the motion carried unanimously.

<b>License Number</b>	<b>Name</b>	<b>License Type</b>
VET008407	Powers, J Douglas	Veterinarian
VET008408	Thomas, Randall Copeland	Veterinarian
VET008409	Harms, Caleb John	Veterinarian
VET008410	Slingluff, Jamie Lee	Veterinarian
VET008411	Ray, James Melvin	Veterinarian

VET008412	Rodriguez, Jamie	Veterinarian
VET008413	Tucker, Geoffrey Worthington	Veterinarian
VET008414	Davis, Erin Michelle	Veterinarian
VET008415	Stinner, Thomas A	Veterinarian
VET008416	Feder, Brett Marshall	Veterinarian
VET008417	Basinger, Robert R	Veterinarian
VET008418	Kunkel, Kevin A R	Veterinarian
VET008419	Lucas, Pamela Nicole Wilkins	Veterinarian
VET008420	Chumbler, Nathan S	Veterinarian
VETF000623	Shaver, Stephanie Lynne	Veterinary Faculty
VETF000624	Olin, Shelly Jane	Veterinary Faculty
VETF000625	Jones, Arthur Lee	Veterinary Faculty
VETF000626	Ferguson, Naola Marsha	Veterinary Faculty
VETF000627	Sutherland-Smith, James	Veterinary Faculty
VETF000628	Cannon, Mathew Sylinger	Veterinary Faculty
VETT001192	Mimbs, Jamie Ann	Veterinary Technician
VETT001193	Garland, Jereme Michael	Veterinary Technician
VETT001194	Pincumbe, Christen Marie	Veterinary Technician
VETT001195	Keith, Rachel Elise	Veterinary Technician
VETT001196	McDermid, Kimberly Ruth	Veterinary Technician
VETT001197	Colombo-Blevins, Jeannette	Veterinary Technician
VETT001198	Jameson, Nicole Lynn	Veterinary Technician
	<b>Reinstatements</b>	
VET006013	Duke, John	Veterinarian
VET004016	Fayrer-Hoskins, Richard	Veterinarian
VET006258	Geddings, Frances	Veterinarian
VET007644	Moose-Ritter, Jana	Veterinarian
VET006494	Valeika, Steven	Veterinarian
VET004764	Drummond, Mark	Veterinarian

**Consideration of Chapter 700-16-Practice of Foreign Graduates.**

Dr. Malphus made a motion to post new chapter and rule - Chapter 16 Practice of Foreign Graduates and new Board Rule 700-16-.01. Practice of Foreign Graduates. Dr. Davis seconded the motion and it carried unanimously.

New Chapter 700-16 Practice of foreign graduates

New Rule 700-16-.01 Practice of foreign graduates prior to licensure

(1) Pursuant to O.C.G.A. §43-50-44, a graduate of a foreign college or school of veterinary medicine who is in the process of obtaining the ECFVG or PAVE certificate or its substantial equivalent can performing duties or actions under the direct supervision of a licensed veterinarian.

(2) For purposes of this rule, “Direct supervision” means that the licensed veterinarian is on the premises and is quickly and easily available and that the animal patient has been examined by a licensed veterinarian at such time as acceptable veterinary medical practice requires, consistent with the particular delegated animal health care task.

(3) To practice under this provision, a foreign graduate must:

(a) Complete the ECFVG or PAVE within 3 years of application to the AVMA or AAVSB;

(b) Have not have ever failed the ECFVG or any portion of he PAVE program;

(c) Must only practice under direct supervision as defined in subsection (2) of this rule.

(4) Any foreign graduate who fails the ECFVG or any portion of the PAVE program and who continues to work in a veterinary facility in any capacity; cannot hold himself/herself out as a doctor of veterinary medicine authorized to practice veterinary medicine in Georgia.

(5) All licensed veterinarians who allow practice of a foreign graduate working under this provision must provide direct supervision.

(6) Failure of a licensed veterinarian to provide the required direct supervision may be grounds for sanction of his/her license for aiding and abetting unlicensed practice.

**Request from Sonya Williams, Legal Department,** regarding Open Records request for Michael R. Kay, D.V.M. - Dr. Malphus made a motion to deny the request regarding the Open Records request on Michael R. Kay, D.V.M. Mr. Lance seconded the motion and it carried unanimously.

**Request from Katharine McDuffee regarding RACE committee.**

The Board viewed as informational and will refer the correspondence to the American Association of Veterinary State Boards.

**Executive Director's Open Session – Ms. Anita Martin**

- Ms. Martin stated that Board Susan Hewett will be retiring at the end of February 2011 and that she will be processing applications for the Veterinary Board.
- Ms. Martin reported that approximately 350 Veterinarians had not tendered renewals, 54 Faculty Veterinarians and 115 Technicians.

Dr. Malphus made a motion to post Board Rule 700-7-.01. Dr. Hines seconded the motion and it carried unanimously.

#### **700-7-.01 Renewal of License.**

(1) Every person who holds a valid license, as a veterinarian issued by the Board shall immediately upon issuance thereof be deemed registered with the Board and be issued a certificate of registration. Said license shall expire on December 31 of the even numbered years and shall be renewable biennially in accordance with the Official Code of Georgia Annotated Section 43-50-40 upon payment of the biennial license fees. Any licensee whose address changes must notify the Board in writing within 30 days of that change of address.

~~(2) The Division Director shall notify all expired licensees on January 31 following the deadline for renewal of the fact that they are practicing veterinary medicine in violation of the Georgia Veterinary Practice Act. The payment of the renewal fee for a licensed veterinarian on active duty with any branch of the armed forces of the United States shall be waived for a period of time not to exceed the longer of three years or the duration of a national emergency.~~

~~(3) The payment of the renewal fee for a licensed veterinarian on active duty with any branch of the armed forces of the United States shall be waived for a period of time not to exceed the longer of three years or the duration of a national emergency.—) Any service member as defined in O.C.G.A. § 15-12-1 whose license to practice veterinary medicine or as a veterinary technician expired while serving on active duty outside the state shall be permitted to practice veterinary medicine or as a veterinary technician in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service members commanding officer to waive any charges.~~

~~(4) Any service member as defined in O.C.G.A. § 15-12-1 whose license to practice~~

~~veterinary medicine or as a veterinary technician expired while serving on active duty outside the state shall be permitted to practice veterinary medicine or as a veterinary technician in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of her or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service members commanding officer to waive any charges.~~

Authority O.C.G.A. Secs. 43-1-25, 43-1-31, 43-50-21, 43-50-40.

### **Attorney General Open Session – Ms. Amelia Baker**

- Ms. Baker reported that the case on Anji Bodana, DVM. is closed

### **Miscellaneous –**

- Ms. Lynn Reese, GVTA made a request for CE approval of GVTA Spring CE 2011. They will be submitting an application for this CE program.
- Dr. Malphus presented information from the Winter American Association Veterinary State Boards (AAVSB) meeting. She reported that American Veterinary Medical Association (AVMA) and the AAVSB are still working to combine the Educational Commission for Foreign Veterinary Graduates (ECFVG) and Program for the Assessment of Veterinary Equivalence (PAVE).
- Dr. Hines again requested that Board members seriously consider attending and observing the administration of an ECFVG.
- Dr. Hines provided a letter from Lee Izen, DVM regarding PetMeds Express. The Board suggests that Dr. Izen refer the matter to the Georgia Veterinary Medical Association (GVMA) and to the AVMA and suggest that the AVMA file a class-action lawsuit. Dr. Hines will contact Dr. Izen regarding the Board's suggestions.
- Ms. Lynn Reece will provide a link to the AVMA Vet Tech Model Practice Act. Ms. Reece asked that the Board members review and provide feedback to her or they can make comments on-line. Ms. Reece states the online comments will close on February 14, 2011.

## **Executive Session**

Dr. Malphus made a motion, Dr. Hines seconded and the Board voted to enter into Executive Session in accordance with O.C.G.A. §43-1-19(h)(2) and §43-1-2(k) to deliberate on applications and enforcement matters and to receive information on applications, investigative reports, and the Assistant Attorney General's report. Voting in favor of the motion was Drs. Davis, Hill and Mr. Lance.

Correspondence from M.H. –The Board states that Georgia Law does not allow the Board to consider her for licensure based upon reciprocity. However, if she finds a program that is not AVMA accredited, applicant can submit a request to the board for its approval prior to enrolling.

Correspondence from Georgia Drugs and Narcotics Agency – The Board recommended to send the correspondence to the Veterinary Investigative Committee and request an interview be scheduled

### **Appointment**

1:00 p.m. -T.M.,– Veterinary Applicant - No Show – Denial stands.

1:30 p.m. – F.H. – Veterinary Renewal Applicant – No Show – Renewal pending status remains. An appointment will be scheduled for the April 2011.

### **Applications**

1. R.U. – Renewal Application – The Board recommended requesting a copy of applicant's final order to be received within 10 days. If applicant has met conditions of Consent Order approve for renewal. If applicant has not met conditions of Consent Order application will be taken back to the next board meeting.
2. P.J.W. – Renewal Application – The Board recommended approval
3. M.S. - Renewal Application – The Board recommended to renew mimicking applicant's Virginia Consent Order.
4. D.M. – Renewal Application – The Board recommended having the applicant provide a letter his Physician stating he is safe to practice with reasonable skill and safety to the public. Upon receipt of requested information; approve renewal.
5. S.M. – Veterinary Application – The Board recommended denial
6. G.P. – Vet Applicant – The Board recommended approval
7. L.M.H. – Veterinary Recertification Notice – The Board recommended denial until the Board receives a remediation program
8. W.B.W. – Veterinary Renewal – The Board recommended scheduling applicant an appointment for the April 6, 2011 board meeting.
9. A.T. – Veterinary Renewal – The Board recommended approving mimicking the Massachusetts board order.

### **Investigative Committee Report** – Drs. Davis and Malphus made the following recommendations:

VET100127 – Close with no violation of unlicensed practice.

VET100053 – Public Renewal Consent Order – cannot administer, prescribe or dispense any controlled substances

VET110022 – Private Consent Order, request complete investigative report from GDNA

VET110027 – Close with Letter of Concern

VET090086 – Close with Letter of Concern re: facility conditions

VET110004 – Close with inadequate proof of a violation.

VET110008 – Close with a Letter of Concern

VET110010 – Close with a Letter of Concern

VET090119 – Close with no evidence of unlicensed practice.

VET100084 – Close for insufficient evidence to prove a violation.

VET100117 – Close with a Letter of Concern.

VET100130 – Refer to the Attorney General's Office for a Public Consent Order.

VET110012 – Close with a Letter of Concern.

VET110024 – Close with a Letter of Concern

VET110025 – Close with no violation.

VET110041 – Close with no violation.

VET110043 – Close with a Letter of Concern.

VET110045 – Close with no violation.

### **Attorney General's Report** – Ms. Amelia Baker

- The Board recommended referring VET005362 to the Attorney General's office to file a Notice of Hearing.
- Ms. Baker presented for consideration a counter offer on G.I., DVM. The Board recommended allowing the order to be changed from a Public Consent Order to a Private Consent Order however the fine amount remains the same.
- Ms. Baker presented for consideration a counter offer on A.W., DVM. The Board recommended denying the request to change the Consent Order from a Public Consent Order to a Private Consent Order.
- Ms. Baker presented to the Board for acceptance a Consent Order on Beverly Hickman, DVM.

- The Board requested an update on VET100074 which is an on-going case.

### **Open Session**

Dr. Malphus made a motion, Dr. Hill seconded and the Board voted to approve the recommendations made for the Applications.

Dr. Hill made a motion, Mr. Lance seconded and the Board voted to approve the recommendations made from the Investigative Committee.

Dr. Hill made a motion to accept the items in the AG's Report. Dr. Davis seconded the motion and motion carried. Mr. Lance voted to oppose the counter offer on G.I.,DVM.

The next meeting is scheduled for April 6, 2011 at the Professional Licensing Boards in Macon, GA.

There being no further business to come before the Board, the meeting was adjourned at 1:53 p.m.

Minutes recorded by Carol White, Board Secretary

Minutes edited by Anita O. Martin, Executive Director