

GEORGIA STATE BOARD OF VETERINARY MEDICINE
Board Meeting
October 12, 2011
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
9:30 a.m.

A meeting of the Georgia State Board of Veterinary Medicine was held on Wednesday, October 12, 2011 at the Professional Licensing Boards, 237 Coliseum Drive, Macon, GA.

Members Present:

Henry Bohn, DVM
 Jan Hines, DVM
 Edsel Davis, DVM
 Beckey Malphus, DVM
 Jeff Smith

Others Present:

Amelia Baker
 Anita Martin
 Carol White
 Scott Piper, GVMA
 Betsy Choder

Open Session

Dr. 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 9:35 a.m.

Dr. Bohn welcomed new Consumer Board member Jeff Smith to the Veterinary Board.

Approval of minutes from the August 3, 2011 Board meeting. Dr. Hines made a motion to approve. Dr. Malphus seconded the motion and it carried unanimously.

License to Ratify. Dr. Malphus made a motion to approve the list of licenses to ratify. Dr. Davis seconded the motion and it carried unanimously.

License Number	Name	License Type
VET008581	Schultz, Jennifer Lynn	Veterinarian
VET008582	Aschenbroich, Sophie Ann	Veterinarian
VET008583	Stocking, Linden Ruey	Veterinarian
VET008584	Salyards, Gregory Warren	Veterinarian
VET008585	Katta, Anjaiah	Veterinarian
VET008586	Craton, Charles D	Veterinarian
VET008587	Erickson, Amanda Michelle	Veterinarian
VET008588	Desai, Sujata Jagat	Veterinarian
VET008589	Tack, Danielle Marie	Veterinarian
VET008590	Andrews, Erica April	Veterinarian
VET008591	Webb, Amanda Lee	Veterinarian

VET008592	Hill, Helen Pauline	Veterinarian
VET008593	Koenig, Leslie Teresa	Veterinarian
VET008594	Billmaier, Katharine Jean	Veterinarian
VET008595	England, Susan Michelle	Veterinarian
VET008596	Mulupuri, Koti Venkata Ratna Prasad	Veterinarian
VET008597	Eberlein, Laura Cushing	Veterinarian
VET008598	Dixon, Traci Renee	Veterinarian
VET008599	Raziano, Patricia Ann	Veterinarian
VET008600	Burstiner, Lee C	Veterinarian
VET008601	Kirk, Jessica Lynn	Veterinarian
VET008602	Neal, Ashley Olly	Veterinarian
VET008603	Greenfield, Barden Arthur	Veterinarian
VET008604	Aurthur, Catherine Garofalo	Veterinarian
VET008605	Ruthrauff, Cassandra M	Veterinarian
VETF000653	Okunaka, Nao	Veterinary Faculty
VETF000654	Manley, Paul A	Veterinary Faculty
VETF000655	Sycamore, Kate Frances	Veterinary Faculty
VETT001224	King, Ali H	Veterinary Technician
VETT001225	Kangeter, Jessica Lea	Veterinary Technician
VETT001226	Griffith, Christina Dare	Veterinary Technician
VETT001227	Parker, Pamela Lynne	Veterinary Technician
VETT001228	Reaves, Harley Nikole	Veterinary Technician
VETT001229	Parrilla, Yasimar	Veterinary Technician
VETT001230	Reed, Amanda Kelly	Veterinary Technician
VETT001231	Yoder, Brittany Lauren	Veterinary Technician
VETT001232	Chambers, Maria Victoria	Veterinary Technician
VETT001233	Winkler, Carla Michelle	Veterinary Technician
VETT001234	Marchell, Lauren Taylor	Veterinary Technician
VETT001235	Stephenson, Lauren Leigh	

Correspondence from Don Bruce, Shelter Operation Manager Cobb County regarding administration of euthanasia by injection; scope of practice for veterinary technicians employed by the shelter.

Advise Mr. Bruce that the Board does not have legal jurisdiction over animal shelter employees even if they are licensed veterinary technicians. The shelters and its employees must follow the laws, rules and regulations for animal shelters and its employees as required by the Georgia Department of Agriculture as it is the governing body for animal shelters.

Discussion of 2088 bill re: Giving Veterinarians the ability to prescribe for another Veterinarian's client.

The Board directed that the information received by them pertaining to prescriptive authority be forwarded to the Georgia Veterinary Medical Association for review.

Rule Waiver request from Cherie Lawley regarding Board Rule 700-7-.02.

Dr. Davis made a motion to **deny** the request. Dr. Malphus seconded the motion and motion carried.

Dr. Hines abstained from the vote.

Consideration to post Board Rule 700-8-.01 Unprofessional Conduct.

Dr. Malphus made a motion to post Board Rule 700-8-.01 – Unprofessional Conduct. Dr. Hines seconded the motion and motion carried.

700-8-.01 Unprofessional Conduct.

Within the meaning of Ga. Code subsection 43-50-21(a)(7), unprofessional conduct means:

(a) Advertising – defined: Advertising shall mean any information communicated in a manner designed to attract public attention to the practice of the licensee or registrant. Advertising shall include but not be limited to, a communication, published or displayed through the use of newspaper, internet, telephone directory, pamphlets or handouts, radio, television, signs, billboard, window display or any other means of medium.

1. A licensee or registrant shall not make any false, misleading or deceptive communication in any form of advertising.
2. Advertisement of prices must contain a complete description of veterinary services included in any advertised price and disclosure of any extra charges that may be required to serve the consumer's needs.

(b) Professional Relationships:

1. It shall be unprofessional conduct for a licensee or registrant without just cause and in bad faith or for the purpose of soliciting patronage or personal pecuniary gain to disparage the profession or professional capabilities of another licensee or registrant.
2. It shall be unprofessional conduct to aid any person, firm, or corporation to engage in the unauthorized practice of veterinary medicine.
3. It shall be unprofessional conduct for a licensee or registrant to guarantee a cure or to offer his name in a commercial setting in a testimonial as to virtues of proprietary remedies or foods.
4. Consultation by an attending veterinarian with other veterinarians expert in the particular matter on which consultation is sought is in the public interest and thus is expected of the attending veterinarian when the need arises. But such consultation is discouraged if the consulting veterinarian employs the relationship so created to disparage the attending veterinarian or to solicit business; such practices are not in the public interest.

(i) It shall therefore be unprofessional conduct for a licensee called as a consulting veterinarian to disparage in the presence of the client the competence of the attending veterinarian. The Board does, however, expect any incompetence or negligence to be reported to it and nothing in this rule prohibits such reports or the giving of testimony in public or private litigation.

(ii) It shall be unprofessional conduct for a consulting veterinarian to assume unauthorized control of the case or to utilize the consulting relationship to solicit business for himself or others.

5. It shall be unprofessional conduct for a licensee employed to render professional advice by one party in negotiations concerning the sale of an animal to accept a fee from the other party.

(c) Failure to Maintain Patient Records:

1. A veterinarian shall prepare and maintain a record reflecting the care and treatment of animals treated.

2. These records shall contain clinical information sufficient to justify the diagnosis and warrant treatment and shall, if applicable, include but not be limited to the following information:

- (i) Name, address and telephone number of the animal's owner;
- (ii) Name of attending veterinarian and staff rendering care;
- (iii) Patient identification, including name, ages, sex and breed;
- (iv) Dates of examination, treatment and custody of the animal;
- (v) Patient history;
- (vi) Presenting complaint;
- (vii) Vaccination history;
- (viii) Findings from physical examination, including temperature and weight;
- (ix) Clinical lab reports, if applicable;

- (x) Medication and treatment, including frequency;
- (xi) Anesthetic, including type and amount, if applicable;
- (xii) Details of surgical procedure with complications and/or abnormalities noted, if applicable;
- (xiii) Progress and disposition of the case;
- (xiv) Differential diagnoses; and
- (xv) X-rays if applicable.

3. All records shall be kept in a readily retrievable form, shall be recorded contemporaneously, and shall be filed promptly following treatment.

4. Patient records shall be kept by a veterinarian for three (3) years after a patient's last visit, notwithstanding any other provisions of law.

5. All records are the sole property of the veterinarian; however, copies must be made available to the owner of the animal upon their written request. Such records must be made available within ten (10) business days from request. The veterinarian may charge a reasonable charge for the search, retrieval, duplication and, if applicable, mailing of the patient records.

6. Failure to keep records as required by this subparagraph shall constitute a failure to conform to the minimal standards of acceptable and prevailing veterinary medical practice.

(d) Failure to have an appropriate Veterinarian/Client/Patient Relationship. An appropriate veterinarian/client/patient relationship will exist when:

1. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal(s) and the need for medical treatment, and the client (owner or other caretaker) has agreed to follow the instructions of the veterinarian;

2. There is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has seen the animal within the last twelve (12) months and is personally acquainted with the keeping and care of the animal(s) by virtue of an examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept; and

3. When the practicing veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy.

(e) Prescription Drugs:

1. After a valid veterinary/client/patient relationship has been established, a veterinarian must make available, upon request, at a reasonable cost, a written prescription.

2. It is unlawful for a veterinarian to release, prescribe, and/or dispense any prescription drugs without having examined the animal and established a valid veterinary/client/patient relationship.

Authority O.C.G.A. Secs. 43-1-19, 43-1-25, 43-50-21, 43-50-27, 43-50-41.

Approval of minutes from the October 6, 2011 Conference Call

Dr. Malphus made a motion to approve the minutes. Dr. Hines seconded the motion and it carried unanimously.

Executive Director's Open Session – Ms. Anita Martin

- Ms. Martin discussed the videoconferencing capabilities - board meetings are web-cast and can be viewed live from a link on the Board's website. Ms. Martin shared that room 104 in Macon and a room in Atlanta at the Twin Towers is available if anyone would like to join the Board meeting by videoconference.
- Ms. Martin presented to the Board correspondence from Ms. Busch. The Board advised to send a No Legal letter response and to advise Ms. Busch that if there is a specific complaint that she wants the board to review; she needs to submit a complaint.

Miscellaneous:

- Ms. Betsy Chowder requested that the Board draft rules for non-veterinarian owned clinics. Ms. Chowder stated she will provide the information in writing for consideration at the next board meeting.
- Dr. Malphus shared with the Board that she attended the American Association of Veterinary State Board's meeting last month. Dr. Malphus stated she will report on the meeting more at the December board meeting.

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. §43-1-2(k) to deliberate on applications and O.C.G.A. §43-1-19(h)(2) to review complaints. Voting in favor of the motion was Dr. Davis and Mr. Smith.

Investigative Committee report – Drs. Davis and Malphus

- VET110076 – The committee recommended close on Dr. K and Dr. W. / Dr. J Send for Peer review.
- VET110064 & 120008 – The committee recommended close with no violation on Dr. G., Dr. H., and Dr. S.
- VET110020 – The committee recommended acceptance of a Cease and Desist on Mitchell Wilkerson.
- VET110054 – The committee recommended sending the facility standards letter giving 30 days in which to correct facility issues, send to a Peer reviewer for standard of care issues and then back to the IC for review upon receipt of response.
- VET110058 – The committee recommended close since they now have a DVM on staff.
- VET110074 – The committee recommended close with no violation.
- VET110085 – The committee recommended close with no violation.
- VET110084 – The committee recommended that if there is no response from Dr. S. requesting and being granted approval of a supervisor by the December Board meeting – the board will move forward to file a notice of hearing for revocation.
- VET110086 – The committee recommended close with a mitigating circumstances letter, require contact with local fire department to request they conduct an electrical inspection at hospital to advise on electrical shock and fire risks. Respond back to board within 30 days as to the findings of inspection.
- VET110088 – The committee recommended close with no violation.
- VET110093 – The committee recommended scheduling for an investigative interview for December 6, 2011.
- VET110094 – The committee recommended close with letter of concern.
- VET110096 – The committee recommended close with no violation.
- VET110101 – The committee recommended close with letter of concern.
- VET110109 – The committee recommended close with no violation.
- VET120007 – The committee recommended close with no violation.
- VET120012 – The committee recommended scheduling for an investigative interview for December 6, 2011.
- VET120014 – The committee recommended close with a mitigating circumstances letter, must develop and train all staff on a euthanasia protocol. The board requests a report back within 30 days from receipt of letter providing your written protocol.
- VET120020 – The committee recommended referral to the OIG to serve a Cease and Desist.

Attorney General's Report – Ms. Amelia Baker

- Ms. Baker provided the Board an update on the cases in her office.
- Ms. Baker recommends that the Board request that an OIG agent check on Dr. W. re: VET005508, to make sure he is not practicing.
- Ms. Baker presented to the Board for acceptance upon receipt an indefinite suspension order on Dr. Mary Logan.
- Ms. Baker presented to the Board for acceptance to lift probation on Dr. William Chase Mitchell.
- Ms. Baker presented to the Board for acceptance a Voluntary Surrender on Aimee Davis
- Ms. Baker presented for the Board for acceptance a Consent Order on Dr. Lori Ann Turner.

Miscellaneous:

- Ms. Martin will conduct research on reinstatement of Veterinary technicians.
- Ms. Martin will revise and provide at the December 2011 board meeting the Reinstatement/Reactivation Policy for Veterinarians and Veterinary Technicians.

Open Session

Dr. Malphus made a motion to accept all the recommendations from the Investigative Committee and the AG's report made in executive session. Dr. Hines seconded the motion and it carried unanimously.

There being no further business to come before the Board, the meeting was adjourned at 1:00 p.m. Dr. Malphus motion to adjourn the meeting, Dr. Davis seconded the motion and it carried unanimously.

Minutes recorded by Carol White, Board Secretary

Minutes edited by Anita O. Martin, Executive Director