

GEORGIA STATE BOARD OF VETERINARY MEDICINE

Board Meeting Minutes

Professional Licensing Boards

237 Coliseum Drive, Macon, GA

February 11, 2015 - 9:30A.M

The Georgia State Board of Veterinary Medicine met on Wednesday, February 11, 2015. The following members were present:

Board Members Present

Dr. Larry Corry, President
Dr. Beckey Malphus
Dr. Edsel Davis
Dr. Henry Bohn
Dr. John Sundstrom
Mr. Jeff Smith

Staff Present

Ms. Adrienne Price, Executive Director
Ms. Tamara Elliott, Board Support Specialist
Ms. Kathy Osier, Licensing Supervisor
Mrs. Wanda Jaffe, Renewal Coordinator
Ms. Sonja Glover, Licensing Analyst

Attorney General's Office

Amelia Baker, Senior Assistant Attorney General

Visitors Present

Scott Piper, Georgia Veterinary Medical Association (GVMA)
Spencer Tally, Georgia Veterinary Medical Association (GVMA)
Ryan Koenig, Roadrunner Pharmacy

OPEN SESSION

Call to Order Dr. Corry established a quorum and called the meeting to order at 9:42 a.m.

Agenda Dr. Sundstrom motioned, Mr. Smith seconded and the Board voted unanimously in favor of the motion to accept the agenda as presented.

Open Session Board Minutes

1. December 10, 2014 Board Meeting

Dr. Malphus motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to approve the December 10, 2014 open session minutes.

2. February 10, 2015 Investigative Committee

Dr. Malphus motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to approve the February 10, 2015 open session IC minutes.

Licenses to Ratify December 6, 2014 – February 4, 2015

Dr. Sundstrom motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to ratify licenses issued from December 6, 2014 – February 4, 2015.

Correspondence – Dr. Lori Germon – Prescribing Meds to Adopted Pets

Dr. Malphus motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to send a response letter explaining that if Ms. Germon is no longer going to be the Veterinarian and have a veterinarian/client/patient relationship as defined in O.C.G.A. §43-50-3 after the pet is adopted, then she does not have to continue to prescribe medications.

Correspondence – Savannah Austin – Vet Technician Question

Mr. Smith motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to send a response letter explaining that Ms. Austin must take and pass the VTNE before she can apply for licensure and refer her to Board Rule 700-6-.01 Application for Registration of Veterinary Technicians.

Discussion – Committee on Vet Technician Education & Activities (CVTEA)

The Board accepts the correspondence in reference to CVTEA Fall/Winter 2014 Newsletter as information. Dr. Malphus encouraged the other Board Members to consider becoming involved in conducting site visits for accreditation purposes if possible and inquired of Scott Piper of GVMA if they needed someone at this time. Mr. Piper indicated that he was uncertain but he would check and notify the Board if there is a need.

Late Agenda Item – Correspondence – W.G. Jerry Henderson – Opening Spay Neuter Clinic

Dr. Malphus motioned, Mr. Smith seconded and the Board voted unanimously in favor of the motion to send a response letter explaining that the State of Georgia does not license facilities or clinics and refer Mr. Henderson to his local city/county ordinances. However, reiterate that licensed veterinarians are required to adhere to the minimum standards listed in Chapter 700-12 of the Board Rules.

Late Agenda Item – Discussion – American Association of Veterinary State Boards (AAVSB) Deadline for Proposing Amendments to Bylaws

The Board does not have any issues to present to the AAVSB at this time and the Board accepts the correspondence in reference to AAVSB Deadline for Proposing Amendments to Bylaws as information. Dr. Malphus made note that the RACE and VTNE Committees are involved with the Annual Meeting of AAVSB and that Board Members and Board Administrators may serve as delegates and alternate delegates at that meeting. She encouraged the other board members to participate if possible. Ms. Price, Executive Director, inquired of the Board if they desired to nominate a delegate and alternate delegate for the annual meeting at this time. There being no nominations offered, the Board Members indicated that they will keep the suggestion under consideration.

Late Agenda Item – Discussion – AAVSB Announces changes to the Board of Directors

Dr. Malphus informed the Board that the correspondence was to inform the Board that due to aggressive pancreatic cancer, Interim President of the AAVSB has had to resign. As a result, there have been new appointments to seats on the AAVSB Board of Directors. She reported that the appointees will serve in their new roles until elections are held at the annual meeting. The Board accepts the correspondence in reference to AAVSB Announces changes to the Board of Directors as information

Late Agenda Item – Discussion – Board Rule 700-7-.03 Update

Ms. Jaffe, Renewal Coordinator reported that due to the Legal Services Department not being able to notify the interested parties of the proposed amendment to Board Rule 700-7-.03, the Board was not able to conduct a hearing on the matter today. She indicated that staff will prepare to have the hearing scheduled during the next board meeting. The Board accepts the status update in reference to Board Rule 700-7-.03 as information.

Board Chair’s Report – L. Corry

No Report Presented

Executive Director’s Report – A. Price

Executive Director’s report presented the Board with statistical data relevant to the processing of applications, renewals and complaints/compliance. Ms. Price presented the Board with an update on the North Carolina Board of Dental Examiners vs. Federal Trade Commission which is currently being heard before the Supreme Court, pre-filed bills in the Georgia General Assembly and reminded the Board Members of the annual filing requirements with the Georgia Government Transparency and Campaign Finance Commission. The Board accepts the report as presented.

Miscellaneous

Clarification and Update regarding the GVMA Pharmacy Task Force and Compounding Drugs

Dr. Spencer Tally addressed the Board in reference to the question of veterinary clinics maintaining a stock of compounded drugs within the clinic for the purpose of dispensing them to clients. He indicated that after researching the issue on behalf of the task force, he found that compounded drugs may be stocked as long as the facility is a veterinary hospital, uses in-state pharmaceutical company, they meet the 5 % standard, and the drugs are administered in the hospital. The Task Force would like for veterinarians to have the ability to dispense enough of the drug to clients to allow them to get home and obtain a new prescription from their personal veterinarian. Mr. Tally indicated that in California, they allow the dispensing of 72 hours of the drug. He asked the Board what they would consider to be reasonable. The consensus of the Board is that they would be in support of asking the Pharmacy Board to consider allowing veterinarians the authority to dispense 72 hours or more of the drug.

Mr. Ryan Koenig with Roadrunner Pharmacy expounded on Mr. Tally’s clarifying statements relevant to the work of the GVMA Pharmacy Task Force and Compounding Drugs. He indicated that his pharmaceutical company is working with GVMA as they are looking to be able to provide reasonable continuity in care when a client leaves the hospital that does not require the client to return to the hospital if they are not able to see their veterinarian right away.

Mr. Tally indicated that at this point, the GVMA Pharmacy Task Force did not know if what they are proposing would require a statutory or rule change. Senior Assistant Attorney General, Amelia Baker, indicated that she would have to verify it with the attorney which represents the Pharmacy Board; however, it appears as though there would have to be a change in the pharmacy board rules. The Board thanked Dr. Tally and Mr. Koenig for the update.

Dr. Malphus made a motion, Dr. Bohn 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 enforcement matters and to receive information on investigative reports and the Assistant Attorney General’s report. Voting in favor of the motion were those present who included Dr. Davis, Dr. Malphus, Dr. Bohn, Dr. Corry, Dr. Sundstrom and Mr. Smith.

At the conclusion of Executive Session on Wednesday, February 11, 2015, Dr. Corry declared the meeting to be “open” pursuant to the Open and Public Meeting Act O.C.G.A. § 50-14-1 et seq. No votes were taken during executive session.

OPEN SESSION

Executive Session Board Minutes

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| 1. December 10, 2014 Board Meeting | Mr. Smith motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to approve the December 10, 2014 executive session minutes. |
| 2. February 10, 2015 Investigative Committee | Dr. Davis motioned, Mr. Smith seconded and the Board voted unanimously in favor of the motion to approve the February 10, 2015 executive session IC minutes. |

Applications for Board Review

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| 1. N.H. | Dr. Malphus motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to approve to take the VTNE for a fourth time. |
| 2. H.W. | Dr. Malphus motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to maintain the license in renewal pending status and refer to the Attorney General’s Office for an Order of Mental Physical Examination. |
| 3. O.S.B. | Dr. Malphus motioned, Mr. Smith seconded and the Board voted unanimously in favor of the motion to approve renewal with a letter of concern regarding time management as it relates to continuing education requirements. |

Attorney General’s Report –A. Baker Dr. Bohn motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to accept the report as presented

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| 1. P.P | Mr. Smith motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to close case, no action. |
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Board Rule 700-8-.01 Unprofessional Conduct

Dr. Sundstrom motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to vote to post proposed amendments to Board Rule 700-8-.01.

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 to 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. Copies of patient records must be made available to the owner of the animal upon written request to the veterinarian who treated the animal or to the veterinarian facility where the treatment was provided. 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~~

(i) an examination of the animal by the veterinarian within the last twelve (12) months, or

- (ii) medically appropriate and timely visits by the veterinarian to the operation premises where the patient is managed kept.

3. A veterinarian/client/patient relationship cannot be established solely by telephone, computer or other electronic means.

~~3.~~ 4. When the practicing a licensed 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. (v) Date of completion; and

(vi) Authorizing signature.

7. All continuing education providers seeking approval of the continuing education program by the Georgia State Board of Veterinary shall submit a Program Approval Form for each program presented. These forms should be submitted 60 days in advance.

Authority of §§ 43-1-25, 43-50-21, 43-50-3, 43-1-19 and 43-50-41.

Dr. Malphus motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

Investigative Committee Report – E. Davis and B. Malphus

Dr. Sundstrom motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to accept the following recommendations made in Executive Session.

1. VET080084 No alterations to the Current order.
2. VET140065 Grant approval of After Care Provider
3. VET150009 Refer to Attorney General's Office for a Private Order to include monitoring for a period of 5 years with quarterly personal, after care, employer & psychotherapy reports. Treating therapist to report any changes in medication within 10 days and random Drug Screens to include testing for Naltraxone; positive results should be submitted to the Board immediately. All other screens may be sent with Quarterly reports. DEA restrictions for a minimum of 2 years
4. VET150023 Request a sworn statement from the respondent concerning the allegations.
5. VET150027 Close the case- Treatment determined to be within the standard of care.
6. VET150028 Close with Letter of Concern regarding a need for better communication relative to pre and post-operative procedures, possible complications of restraining and venipuncture.
7. VET150029 Notify the respondent that all deficiencies must be corrected within 15 days of receipt of notification. Refer to investigations to conduct a facility inspection to determine if deficiencies were corrected
8. VET150031 Schedule an Investigative Interview
9. VET150038 Close with Letter of concern regarding a failure to disclose disciplinary action in another jurisdiction on the renewal application.
10. VET150043 Close – Treatment determined to be within the Standards of Care.
11. VET150046 Close the case. Complaint outside the Jurisdiction of the Board.
12. VET150047 Schedule an Investigative Interview

Miscellaneous

Late Agenda Item – Correspondence from Tim Thornhill

Dr. Malphus motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to send a response letter referring the writer to the exemptions listed in the statute regarding the duties and care provided by employees of federal, state or local government or contractual partners and owner/operators of an animal shelter or kennel. It is also suggested that the writer refer to the supervision rules regarding veterinary assistants.

Adjournment No further business was discussed and the meeting adjournment at 12:10 PM

Minutes recorded by: Tamara Elliott, Board Support Specialist
Minutes reviewed and edited by: Kathy Osier, Licensing Supervisor, Wanda Jaffe, Renewal Coordinator,
and Adrienne Price, Executive Director
Minutes approved on: April 22, 2015

LARRY CORRY, DVM
BOARD PRESIDENT

ADRIENNE PRICE
EXECUTIVE DIRECTOR