

**GEORGIA STATE BOARD OF VETERINARY MEDICINE**

**Board Meeting Minutes  
Professional Licensing Boards  
237 Coliseum Drive, Macon, GA  
October 21, 2015 - 9:30A.M**

The Georgia State Board of Veterinary Medicine met on Wednesday, October 21, 2015. The following members were present:

**Board Members Present**

Dr. Henry Bohn, Vice President  
Dr. Larry Corry  
Dr. Edsel Davis  
Dr. John Sundstrom  
Mr. Nic Haynes (via teleconference)

**Staff Present**

Ms. Adrienne Price, Executive Director  
Ms. Tamara Elliott, Board Support Specialist  
Ms. Kathy Osier, Licensing Supervisor

**Attorney General's Office**

Amelia Baker, Senior Assistant Attorney General  
(via teleconference)

**Visitors Present**

Scott Piper, Georgia Veterinary Medical Association (GVMA)

**Call to Order** Dr. Bohn established a quorum and called the meeting to order at 9:34 a.m.

**OPEN SESSION**

**9:30a.m. Georgia Department of Agriculture – Mark Murrah, Manager of the Companion Animal Division**

Mark Murrah of the Georgia Department of Agriculture came to speak with the Board concerning their regulatory role. Mr. Murrah reported that within his division they license, regulate and monitor animal shelters, pet breeders, pet dealers, pet shops, pet groomers, pet trainers, boarding kennels, aviaries, and rescue groups and humane societies that house animals. Based on questions posed by the Board Members, Mr. Murrah clarified that if a veterinary clinic is acting as an animal shelter, the veterinary clinic will cross paths with his office, that those organizations are not required to have a veterinarian on staff and that in cases where there appears to be an issue of fraud or error with a health certificate the issue will be referred to the Animal Health Department and potentially to law enforcement. The Board inquired about the status of the spay and rescue car tag program to which Mr. Murrah provided an overview of the processes they have taken thus far to better target the funds for the tags in order to make the program more viable by dispersing the funds to where it can do the best good. Mr. Murrah stated that he wanted to come and speak with the Board because he feels that in doing so there is a great opportunity for both his organization and the Board to coordinate their efforts and he welcomes any comments/suggestions to improve processes.

Dr. Bohn thanked Mr. Murrah for coming and suggested to him to contact Scott Piper of GVMA as well as the Board if there is information that he would like to get out to veterinarians that could potentially help the work of his agency.

**Agenda** The Board accepted the agenda as presented.

**Open Session Board Minutes**

**1) August 12, 2015 Minutes**

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the August 12, 2015 Board Meeting minutes as presented.

**2) September 23, 2015 Teleconference Minutes**

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to approve the September 23, 2015 Board Teleconference minutes as presented.

**3) October 20, 2015 Investigative Committee Minutes**

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the October 20, 2015 Investigative Committee minutes as presented.

**Licenses to Ratify August 6, 2015 – October 14, 2015**

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to ratify licenses issued from August 6, 2015-October 14, 2015.

**AAVSB Revised RACE Standards** The Board reviewed the AAVSB Revised RACE Standards correspondence and entered votes on the following assignments:

**1) Rule 700-7-.02 Reinstatement of Expired licenses**

Dr. Sundstrom motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to appoint Dr. Sundstrom to review and revise Board Rule 700-7-.02.

**2) Rule 700-7-.03 Continuing Veterinary Education**

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to appoint Dr. Davis to review and revise Board Rule 700-7-.03.

**3) Rule 700-7-.04 Veterinary Technician Continuing Education**

Dr. Sundstrom motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to appoint Dr. Corry and Dr. Malphus to review and revise Board Rule 700-7-.04.

**4) Board Policies regarding Continuing Education**

Dr. Sundstrom motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to appoint Dr. Bohn to review and revise Board Policies relating to C.E.s.

**Discussion – Continuing Education Program Application Fee**

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to decline to charge a fee for the continuing education program application process.

**Discussion – NBVME Exam Update**

The Board accepted the correspondence in reference to the NBVME Exam update as information.

**Discussion – Review of Vet Tech Programs not approved by AVMA**

Due to potential deliberation on a complaint relevant to this correspondence, the Board tabled further discussion regarding Vet Tech programs that are not approved by AVMA until Executive Session.

**Petition for Rule Waiver – Anwar, Muhammad**

Dr. Sundstrom motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 700-7-.03 due to insufficient evidence to substantiate a hardship.

**Ethics & Boundaries Assessment Services (EBAS) Orientation Workshop Report - John Sundstrom**

At the request of the Board during the August 2015 meeting, Dr. Sundstrom provided verbal examples of the types of test questions that may be presented on an EBAS test as well as a copy of the presentation that was forwarded to him by EBAS Executive Director, Dr. Judi Gerstung, for review. Assistant Attorney General Amelia Baker stated that she is not certain that this test would fit some of this Board's cases. Dr. Sundstrom reported that he would like to see the examination used as an option for those respondents that have become "frequent flyers" who tend to come up every so often in the area of complaints. Dr. Davis indicated that he can think of several respondents that have been discussed in the investigative committee meetings that would be good candidates for something like EBAS. Dr. Bohn inquired as to what the Board would need to do if they chose to use EBAS as a disciplinary option. Ms. Price indicated that one of her other Boards use EBAS and typically adds language within their consent orders which requires that the respondent take and pass the examination within a particular timeframe. If the respondent does not pass the examination or the outcome of the examination is not favorable, the Board may impose additional sanctions. Dr. Bohn requested that Ms. Price obtain some sample language from the other Boards orders for their review. Ms. Price indicated that she will provide that information to the Board at the next meeting.

**Executive Director's Report – A. Price**

Executive Director's report presented the Board with statistical data relevant to the processing of applications, complaints/compliance and fiscal year 2015. Ms. Price informed the Board that National Practitioner Data Bank (NPDB) notified the Professional Licensing Boards Division that it will be conducting an audit of the agency's compliance with reporting to national practitioner databank. Ms. Price reminded the Board that during the last meeting, Dr. Malphus accepted the task of reviewing the current statute in order to identify areas that may need to be "cleaned up" as a result of changes within the practice as well as changes in administrative procedures. The SOS Elections and Legislations staff was informed of the Board's desire to do this and once the Board has some proposed language for the legislature, they would like to review it in order to determine how they may be of assistance with bringing it forward to the legislature. The Board accepted the report as presented.

**Board Chair's Report**

No report presented.

**Miscellaneous**

**1) 2016 Board Meeting Dates**

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to accept the 2016 Board Meeting Dates as follows:

Veterinary Medicine Investigative Committee 2016 Meeting Dates		
Macon, GA	Tuesday, February 16, 2016	9:00am
Macon, GA	Tuesday, April 19, 2016	9:00am
Macon, GA	Tuesday, June 14, 2016	9:00am
Macon, GA	Tuesday, August 16, 2016	9:00am
Macon, GA	Tuesday, October 18, 2016	9:00am
Macon, GA	Tuesday, December 13, 2016	9:00am

Veterinary Medicine Board 2016 Meeting Dates		
Macon, GA	Wednesday, February 17, 2016	9:30am
Macon, GA	Wednesday, April 20, 2016	9:30am
Macon, GA	Wednesday, June 15, 2016	9:30am
Macon, GA	Wednesday, August 17, 2016	9:30am
Macon, GA	Wednesday, October 19, 2016	9:30am
Macon, GA	Wednesday, December 14, 2016	9:30am

**Dr. Corry made a motion, Dr. Sundstrom 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. Bohn, Dr. Corry, Dr. Davis, Dr. Sundstrom, and Mr. Haynes.**

**At the conclusion of Executive Session on Wednesday, October 21, 2015, Dr. Bohn 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**

**1) August 12, 2015 Minutes**

Dr. Davis motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the August 12, 2015 Board Meeting executive minutes as presented.

**2) September 23, 2015 Teleconference Minutes**

Dr. Corry motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to approve the September 23, 2015 Board teleconference executive minutes as presented.

**3) October 20, 2015 Investigative Committee Minutes**

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the October 20, 2015 Investigative Committee executive minutes as presented.

**Investigative Committee Report – E. Davis and L. Corry**

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

**Investigative Interviews:**

VET160004 Close with a letter of concern to the respondent to improve client communication of treatment options and documentation of client preferences in treatment.

**Discussion Cases:**

- VET160014 Close with a Letter of concern citing O.C.G.A. 43-50-41(6)
- VET140067 Close with a letter of non-jurisdiction and flag for reinstatement.
- VET150029 Obtain Disposition of DEA investigation and Schedule Investigative Interview.
- VET150057 Obtain Disposition of DEA investigation and Schedule Investigative Interview.
- VET160012 Additional investigation requested to obtain a copy of the prescription from the complainant and if possible testimonial evidence by the pharmacy that received and or communicated with the complainant about the prescription. Close complaint regarding the standard of care given by respondent #2.

VET140051 Prepare case for Cease and Desist Hearing by obtaining a criminal record to include the indictment, plea agreement, formal sentencing documents and the final court disposition. Once obtained refer the case to the Attorney General's Office to conduct the Cease and Desist Hearing.

VET150042 Close complaint, no violation of the standard of care found.

VET150053 Prepare and send file for peer review.

VET150056 Renew license with a letter of concern for failure to disclose action from any licensing Boards and arrest history.

VET150060 Close Complaint, no violation of the standard of care found.

VET160001 Close Complaint, no violation of the standard of care found.

VET160003 Reaffirm recommendation and Board vote August 12, 2015 to close complaint finding no violation of the standard of care.

VET140061 Additional investigation requested to obtain a certificate of cremation or if the complainant has had medical relationship with DVM that arranged the cremation of the animal in question.

VET160028 License has been renewed. Remove any existing holds or alerts associated with this review and close complaint.

VET160015 Close complaint, respondent properly applied the lien law O.C.G.A. 4-11-9.3

VET160017 Close complaint, no violation of the Standard of care found.

VET160019 Close with a letter of concern about presentation of necessity of reasons for extractions on pre-procedure examination and explanation to client.

VET160020 Close complaint, no violation of the Standard of care found.

VET160033 Send the 1st notice of Suspension Pursuant to O.C.G.A. 43-1-29.

VET160011 Close complaint, no violations of Board rules or law identified by investigation.

VET160013 Schedule Investigative Interview

VET160026 Schedule Investigative Interview

VET120043 Schedule Investigative Interview

**Attorney General's Report –A. Baker** Dr. Corry motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented with the following amendment:

VET150051 Rescind the previous motion and refer to the Attorney General's office to proceed with the issuance of a Private Order for a Physical Evaluation and renew the license.

**Applications for Board Review**

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

- 1) L.S. Approve for licensure.
- 2) J.H.P. Approve for licensure.
- 1) C.C.L. Refer to Legal Services to issue a Private Consent Order for Renewal of Licensure with a \$100 fine for failure to meet the continuing education requirements to include language that the continuing education hours submitted with the application or to satisfy the terms of the agreement cannot be applied towards the requirements for any subsequent renewals.
- 3) D.E.R. Accept the letter of explanation and renew the license.
- 4) D.W.M. Approve for reinstatement.
- 5) M.Y.S. Approve for reinstatement.
- 2) B.L.B. Refer to Legal Services to issue a Private Consent Agreement for Reinstatement of Licensure with a \$200 fine for unlicensed practice from 12/31/14 to 7/23/15 to include language that the continuing education hours submitted with the application or to satisfy the terms of the agreement cannot be applied towards the requirements for any subsequent renewals.
- 3) L.M.H. Refer to Legal Services to issue a Private Consent Agreement for Reinstatement of Licensure with a \$200 fine for unlicensed practice from 12/31/14 to 09/08/15 to include language that the continuing education hours submitted with the application or to satisfy the terms of the agreement cannot be applied towards the requirements for any subsequent renewals.
- 4) A.G.K. Refer to Legal Services to issue a Private Consent Agreement for Reinstatement of Licensure with a \$100 fine for unlicensed practice from 12/31/14 to 06/29/15, ten (10) hours of C.E. obtained within the last 2 years, and include language that the continuing education hours submitted with the application or to satisfy the terms of the agreement cannot be applied towards the requirements for any subsequent renewals.
- 5) A.D.S. Refer to Legal Services to issue a Private Consent Agreement for Reinstatement of Licensure with a \$200 fine for unlicensed practice from 12/31/12 to 2/6/15 to include language that the continuing education hours submitted with the application or to satisfy the terms of the agreement cannot be applied towards the requirements for any subsequent renewals.
- 6) S.V.P. Renew the license with letter of concern regarding alcohol history.

**Miscellaneous**

**1) Discussion – Review of Vet Tech Programs not approved by AVMA**

Dr. Bohn is to obtain information relevant to the locations of two practices where a respondent, who allegedly attended a Vet Tech Program not approved by AVMA and may have fraudulently obtained licensure in this state, is working. Upon receipt, the information will be presented to the investigative committee in order to determine if an investigation is to be initiated.

**2) Board Rule 700-12-.04 Record Keeping (Amended for adoption)**

Rule 700-12-.04 Record Keeping

(1) Complete, accurate and legible records must be maintained on all animals, or animal groups, including but not limited to, animal owner information, animal identification, and veterinary care.

(a) All records must be maintained for a minimum of 3 years (including diagnostic imaging and other patient data).

(b) The requirements of subparagraph (a) of this rule shall not apply to:

(i) A veterinarian who has retired from or sold his or her professional practice if such veterinarian has notified the client of such retirement or sale, and offered to provide such items in the associated patient's record or copies thereof to a provider of the client's choice or furnished the client with an established mailing address in order to submit a request to obtain the associated patient's medical records; or, ~~veterinarian must furnish clients with an established mailing address for obtaining medical records.~~

(ii) A veterinary facility with licensed veterinarians in its employ which shall retain copies of patient records in accordance with the rules and regulations for the veterinary facility.

Cite as Ga. Comp. R. & Regs. r. 700-12-.04

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

History: Original Rule entitled "Record Keeping" adopted. F. Apr. 8, 2004; eff. Apr. 28, 2004.

Dr. Sundstrom motioned, Dr. Davis seconded, and the Board voted unanimously in favor of the motion to adopt the proposed amendment to Board Rule 700-12-.04 with the additional recommended changes.

Dr. Corry motioned, Dr. Sundstrom seconded, and the Board voted unanimously in favor of the motion that the formulation and adoption of Proposed Amendment to 700-12-.04 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.

Dr. Davis motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion that it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-1-25, 43-24A-19(2), and 43-24A-3(4) to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed in the field of Veterinary Medicine.

**Adjournment** No further business was discussed and the meeting adjournment at 1:12 p.m.

**Minutes recorded by:** Tamara Elliott, Board Support Specialist

**Minutes reviewed and edited by:** Kathy Osier, Licensing Supervisor and Adrienne Price, Executive Director

**Minutes approved on:** December 16, 2015

**BECKEY MALPHUS, DVM**  
**BOARD PRESIDENT**

**ADRIENNE PRICE**  
**EXECUTIVE DIRECTOR**