

GEORGIA STATE BOARD OF VETERINARY MEDICINE
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
February 10, 2016 - 9:30A.M

The Georgia State Board of Veterinary Medicine met on Wednesday, February 10, 2016. The following members were present:

Board Members Present

Dr. Beckey Malphus, President
Dr. Henry Bohn, Vice President
Dr. Larry Corry
Dr. Edsel Davis
Dr. John Sundstrom
Mr. Nic Haynes

Staff Present

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

Attorney General's Office

Kirsten Daughdril, Assistant Attorney General

Visitors Present

No Visitors Present

Call to Order Dr. Malphus established a quorum and called the meeting to order at 9:30 AM.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Board Minutes

1) December 16, 2015 Board Meeting Minutes

Dr. Corry motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to approve the December 16, 2015 board meeting minutes as presented.

2) February 9, 2016 Investigative Committee Minutes

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to approve the February 9, 2016 investigative committee minutes as presented.

Licenses to Ratify December 10, 2015 – February 3, 2016

Dr. Corry motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to ratify the licenses by application and by reinstatement that were issued in accordance with Board Rules and Policies between board meetings.

Correspondence – Lauren M. Moldawer – Veterinary Practice Act

Dr. Bohn motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to send the writer a no legal advice response letter and refer the writer to the Corporations Division regarding the inquiry.

Discussion – American Association of Veterinary State Boards (AAVSB)

1) AAVSB Call for Nominations

The Board did not make any nominations at this time.

2) AAVSB Annual Meeting Topics or Session Suggestions: September 22-24, 2016 Scottsdale, Arizona

Dr. Malphus encouraged the Board Members and Executive Director to attend the Annual Meeting. Dr. Malphus mentioned some of the hot topics that are currently being discussed such as unlicensed practice, Equine Dentistry, telemedicine, VCPR. Ms. Price stated that Veterinary Chiropractic will be a topic of discussion in the near future as she has received a few inquiries about the subject. Dr. Sundstrom reported that a good topic for discussion may involve the issue with corporate pharmacies ignoring who writes the prescription for animals and then filling them without questioning the Physician who is writing the prescription.

Discussion – American Veterinary Medical Association (AVMA)

1) CVTEA Accreditation Actions

The Board accepted the correspondence in reference to CVTEA Accreditation Actions as information.

Discussion – Ethics and Boundaries Assessment Services (EBAS)

1) Agency Orientation Workshop

The Board accepted the correspondence in reference to EBAS orientation workshop as information.

Discussion – HB 800

1) Correspondence submitted by Scott Piper - As proposed by GVMA-VCPR

The Board does not have any objection to the proposed language change submitted to the legislature by representatives of the Poultry Association and accepts the correspondence regarding proposed amendment to HB 800 as information.

10:00am Board Rule 700-12-.04 Public Rule Hearing

**SYNOPSIS OF PROPOSED CHANGES TO THE GEORGIA STATE BOARD OF VETERINARY MEDICINE
RULE FOR CHAPTER 700-12, MINIMUM STANDARDS, RULE 700-12-.04, RECORD KEEPING.**

Purpose: To further identify the party responsible for maintaining patient records.

Main Features: The rule will further clarify the actions that must be taken as it relates to patient records when a veterinarian retires or sells the veterinary practice.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED AMENDMENTS TO THE
GEORGIA STATE BOARD OF VETERINARY MEDICINE RULE FOR CHAPTER 700-12, MINIMUM
STANDARDS , RULE 700-12-.04, RECORD KEEPING.**

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

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 (hereinafter referred to as “patient records”).

(a) All patient records must be maintained for a minimum of 3 years (including diagnostic imaging and other patient data) by the veterinarian who provided treatment to the patient or by the veterinary facility where the patient received treatment.

(b) The requirements of subparagraph (a) shall not apply to a veterinarian who has retired or sold his or her professional practice if said veterinarian has notified the client of such retirement or sale and offered to provide the patient records or copies thereof to another veterinarian of the client’s choice or ~~veterinarian must~~ furnished the clients with an established mailing address ~~for~~ to submit a request for obtaining ~~medical~~ patient records.

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.

Written Comments Received

No written comments were received.

Public Comments Received

No Public comments were received or offered during the hearing.

Dr. Bohn motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to adopt the 700-12-.04 proposed amendment as presented.

Dr. Sundstrom motioned, Dr. Davis 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, business, or corporation and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative.

The hearing adjourned at 10:05a.m.

Discussion – National Board of Veterinary Medical Examiners (NBVME)

1) Opportunity to view the NAVLE

The Board accepted the correspondence in reference to an opportunity to view the NAVLE as information.

2) Practice Analysis Survey Press Release

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

Miscellaneous Discussions

- 1) **Discussion – Does the Board want to receive Veterinary Continuing Education Tracking (VCET) reports directly from AAVSB?** It was the consensus of the Board that they will be interested in receiving VCET reports if those reports can be tailored to the state of Georgia CE requirements and directs staff to contact VCET to determine if custom-made reports are possible.
- 2) **Discussion – Does the Board want public disciplinary actions to be reported to Veterinary Information Verifying Agency (VIVA)?** Dr. Sundstrom motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to direct staff to report public disciplinary actions to VIVA.

Rule Waiver Request - Angela Jones

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to deny the petition for waiver of Board Rule 700-6-.01(2) due to insufficient evidence to substantiate a hardship.

Executive Director's Report – A. Price

Executive Director's report presented the Board with statistical data relevant to the processing of applications, the number of licensees and complaints/compliance matters. Ms. Price provided the Board with an update on the current toll free number for the professional licensing boards division. She also informed the Board of the VTNE Exam application fee increase and provided a reminder that each Board Member was to have met the Annual Affidavit and Personal Financial Disclosure requirements by January 31, 2016 and if they have not done so to complete the task as soon as possible. Ms. Price's report presented the Board with an update on the pre-filled bills being tracked in the Georgia General Assembly. She also informed the Board that she was informed that a Letter of Agreement for use of EBAS may no longer be necessary and she is awaiting confirmation from the legal department on the issue. The Board accepted the report as presented.

Board Chair's Report – B. Malphus

The Board accepts the verbal report as presented.

Dr. Bohn 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. Malphus, Dr. Bohn, Dr. Corry, Dr. Davis, Dr. Sundstrom, and Mr. Haynes.

At the conclusion of Executive Session on Wednesday, February 10, 2016, Dr. Malphus 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) **December 16, 2015 Board Meeting Executive Minutes**
Dr. Bohn motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to approve the December 16, 2015 board meeting executive minutes as presented.
- 2) **February 9, 2016 Investigative Committee Executive Minutes**
Dr. Bohn motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to approve the February 9, 2016 Investigative Committee Executive Minutes as presented.

Attorney General's Report – K. Daughdril

Dr. Corry motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to accept the Attorney General's report as presented and the following recommendations made in Executive Session.

- 1) H.W. Close the case in the AG office.
- 2) D.H. Refer to Attorney General's office for violation of Mental and Physical Evaluation Order.
- 3) B.P. Send a certified letter informing the respondent of that which must be included in a request for inactive status.

Investigative Committee Report – E. Davis and B. Malphus

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:

- VET110054 Grant the respondent's request to place the license in an inactive status. If attempts to reactivate and/or

	reinstate the license, the respondent must complete the requirements of the April 18, 2013 consent agreement in addition to other rule requirements prior to consideration by the Board.
VET140051	Close case as the respondent was criminally prosecuted and sentenced with a fine and restrictions.
VET150051	Close the case with no action.
VET150053	Close the case against respondent one without action and send a Mitigating Letter to respondent two to obtain 5 hours of in-person, continuing education in the area of cardiac diagnosis, therapy and management which is to be completed by 12-31-2016 and hours cannot be used to satisfy renewal requirements for the current biennium.
VET150061	Schedule an Investigative Interview for both respondents independently
VET160021	Close the case with a Letter of Concern to improve client communication regarding patient care and recommendations for treatment options and document such communications within the medical record.
VET160024	Schedule an Investigative Interview.
VET160038	Refer to the Attorney General's Office for an Order of Mental Physical Evaluation.
VET160040	Close the case with no action.
VET160045	Close the case with a Letter of Concern which encourages the respondent to communicate treatment options compassionately. Notify the complainant that the compliant is outside of the jurisdiction of the Board.
VET160051	Close the case with no action.
VET160054	Close the case with no action.
VET160056	Close the case with a Letter of Concern to consider completing a rectal exam, fluid replacement and the administration of oil and water to a horse presenting with colic.
VET160057	Table pending receipt and review of additional patient medical records from the third veterinarian noted with the respondent's medical record and document offer of treatment plan and the clients acceptance and or rejection of treatment.
VET160059	Close the case with no action.
VET160064	Table further discussion pending the results of a Board Investigative Inspection.
VET160066	Close the case with no action.

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

VET160035	Refer to investigations to visit the practice and identify the veterinarians employed at the practice and obtain the surgical patients billing statements for the records we have received during the prior investigation.
VET160041	Schedule for Investigative Interview with respondent.
VET160043	Close the case with a letter of concern regarding adequate communication of treatment options offered, the treatment provided, and the diagnosis.
VET160046	Schedule for Investigative Interview for M.M.
VET160055	Close the case with letter of concern and instruct licensee to establish a medical record for any animal that is being boarded in the facility and document communications with the client within the record.
VET160058	Schedule for Investigative Interview with respondent.

Applications for Board Review

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

- 1) E.Y.A. Issue the licensure.
- 2) J.G.H. Refer to Legal Service to issue a Private Consent Agreement for licensure with a \$100 fine for unlicensed practice from October 1, 2015 to February 2, 2016.
- 3) K.S.M. Refer to Legal Service to issue a Private Consent Agreement for licensure with a \$200 fine for unlicensed practice from September 21, 2015 to December 2, 2015.
- 4) A.E.R. Table a decision pending receipt of letter from employer regarding the applicant's title and job duties. If determined the applicant is not employed as a Veterinary Technician, issue the license.
- 5) T.E.S. Refer to Legal Service to issue a Private Consent Agreement for licensure with a \$200 fine for unlicensed practice from year 2013 to July 29, 2015.
- 6) M.G.C. Refer to Legal Service to issue a Private Consent Agreement for licensure with a \$400 fine for unlicensed practice from year 2013 to January 25, 2015.
- 7) M.M.H. Reinstate the license upon receipt of proof of 10 hours of CE.
- 8) K.A.T. Request applicant to provide most recent mental physical evaluations from an addiction specialist to include the diagnosis, treatment plan and recommendations and a statement as to whether the applicant is able to practice with reasonable skill and safety.
- 9) D.R. Remove the hold on the license and close the case.
- 10) T.M. Grant approval to take VTNE for 6th time.

Miscellaneous Discussions

1) Board Meeting Date Change

Dr. Corry motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to change the Investigative Committee and Board Meeting dates from June 14, 2016 and June 15, 2016 to June 21, 2016 and June 22, 2016.

2) Board Meeting Start Time

Dr. Corry motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to change the Investigative Committee meeting time from 9:00am to 9:30am.

Adjournment No further business was discussed and the meeting adjournment at 2:26 p.m.

Minutes recorded by: Tamara Elliott, Board Support Specialist

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

Minutes approved on:

BECKEY MALPHUS, DVM
BOARD PRESIDENT

ADRIENNE PRICE
EXECUTIVE DIRECTOR