

GEORGIA STATE BOARD OF VETERINARY MEDICINE
Board Meeting Minutes
Professional Licensing Boards
237 Coliseum Drive, Macon, GA
Wednesday, June 22, 2016 - 9:30 a.m.

The Georgia State Board of Veterinary Medicine met on Wednesday, June 22, 2016.

Board Members Present

Dr. Beckey Malphus, Chairperson
Dr. Henry Bohn, Vice Chair
Dr. Larry Corry, Board Member
Dr. Edsel Davis, Board Member
Dr. John Sundstrom, Board Member

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 (via teleconference)

Board Members Absent

Mr. Nic Haynes, Consumer Member

Visitors Present

Scott Piper, Georgia Veterinary Medical Association (GVMA)

Call to Order: Dr. Malphus established a quorum of the Board was present and called the meeting to order at 9:35 a.m.

OPEN SESSION

Agenda The Board accepted the agenda as presented.

Open Session Board Minutes

1) April 20, 2016 Board Meeting Minutes

Dr. Bohn motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to approve the April 20, 2016 board meeting minutes as presented.

2) June 21, 2016 Investigative Committee Minutes

Dr. Davis motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to approve the June 21, 2016 investigative committee minutes as presented.

Licenses to Ratify April 14, 2016 – June 15, 2016

Dr. Davis motioned, Dr. Sundstrom 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.

Notifications to the Board

1) Board Rule 700-8-.01 Unprofessional Conduct, amended.

The Board accepted the correspondence in reference to BR 700-8-.01 being adopted as of March 31, 2016 as information.

Discussion – Rule Waiver/Variance Requests

1) BR 700-6-.01 (2)(c) Webb-Kile, Crystal L.

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

2) BR 700-2-.02(2)(b)(d)(e) Memon, Mushtag A.

Dr. Sundstrom motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to grant the petition for rule waiver of Board Rule 700-2-.02(2)(b)(d)(e) based upon the submission of sufficient documentation to substantiate a hardship and presentation of an alternative standard that will afford adequate protection for the public.

Discussion – American Association of Veterinary State Boards (AAVSB)

1) President's Annual Update

The Board accepted the correspondence in reference to AAVSB Annual President's update as information.

Discussion – American Veterinary Medical Association (AVMA)

1) 2016 March Accreditation Actions

The Board accepted the correspondence in reference to AVMA 2016 March accreditation actions as information.

Discussion – National Board of Veterinary Medical Examiners (NBVME)

1) Quarterly Newsletter May 2016

The Board accepted the correspondence in reference to NBVME 2016 Quarterly Newsletter as information.

Discussion – Dr. Carolyn Scott – Chiropractic Care to Dogs

Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to notify Dr. Scott that the answer she was provided from the Executive Director was appropriate and refer her to the statute regarding exemptions for the license in the state of Georgia.

Discussion – LEAP Survey 2016 Summary Data and Open-Ended Responses

- 1) Mr. Scott Piper provided the Board with a summary of the LEAP survey that was sent out to the GVMA members and the Board accepted the information in reference to summary data and open-ended responses as information.
- 2) Dr. Corry motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to refer Board Rules 700-7-.03 and 700-7-.04 to Mr. Scott Piper of GVMA to draft a proposed amendment to the rules for the Board to consider at the next scheduled meeting. Also, notify Ms. Katie McDuffy that the Board is reviewing the matter and is considering her request; therefore, the Board encourages her to monitor the board's website regarding proposed rule changes.

Discussion – C.E. Approval Request(s)

1) Scott Piper – LEAP GVMA 2016 Calendar

Dr. Corry motioned, Dr. Davis seconded and the Board voted unanimously in favor of the motion to deny the request to give blanket approval to the LEAP GVMA 2016 calendar as presented and suggests that Mr. Piper have the speakers submit the completed C.E. application for each individual course as outlined in BR 700-7-.03 and BR 700-7-.04 in order to gain Board approval for LEAP.

Discussion – Blanket C.E. Approval and Blanket C.E. LEAP Approval

Ms. Price requested that the Board further clarify that CE applications that they do want the Cognizant to review as staff has been following the Board's previous instructions which was to submit applications on all CE, including those from organizations listed within the blanket approval category, for the Cognizant to review. Dr. Malphus explained that the Board does not have to review and approve any C.E. requests that fall under the Blanket approval list except when the provider is requesting LEAP C.E. approval. Dr. Malphus motioned, Dr. Bohn seconded and the Board voted unanimously in favor of the motion to direct Staff to draft a proposed amendment to the C.E. rule to include language clarifying the Board's review for blanket C.E. approval and blanket C.E. LEAP approval requests.

Discussion - Reciprocity – J. Sundstrom

Dr. Sundstrom suggested to the Board to consider researching the states requirements that do not offer reciprocity with Georgia since society is now much more mobile. Dr. Malphus suggested discussing this with AAVSB since all jurisdictions are represented with AAVSB. AAVSB could possibly conduct a survey to determine how many states accept reciprocity and what the rules and requirements for reciprocity are. Dr. Corry suggested having Staff to contact all other states and determine if they are interested in reciprocity with Georgia. For those states who respond with yes, the Board staff will need to contact those states to obtain their reciprocity requirements and the Board will decide who they want to reciprocate with. Ms. Price explained to the Board that would be considered more of a legal services process because you have to match up each states statutes with Georgia statutes and part of what Dr. Corry has suggested has already taken place. Ms. Price explained that the AAVSB has already conducted a survey regarding endorsement and reciprocity agreements and compiling that information in part because all of the license types are looking at portability from state to state. AAVSB are hoping to have all of the data compiled by July 8, 2016 so they can disseminate that information to the states for compact review and further discussion.

Discussion – Senate Bill 367

The Board held a discussion regarding Senate Bill 367 which, as of July 1, 2016 will require the Board to ensure that it has considered all information relevant and surrounding the criminal history of an applicant before rendering a decision on licensure to include the type of offense(s), the age the individual was when the offense(s) occurred, the number of offenses, the circumstances surrounding the offense and if the offense or conviction is related to or will impact the profession for which they seek licensure. Ms. Price reported that she is aware that the Board already considers these factors but when making a decision to deny a license, the Board may need to be certain to articulate for the record within their motion that each factor was considered. She also pointed out that the bill limits the amount of information

the Board will receive when a criminal background check is conducted and specifies that the actions the Board may take when an applicant or licensee is in a pretrial diversion program. She encouraged the Board to review the statute and to become familiar with the changes. The Board accepted the correspondence regarding Senate Bill 367 as information.

Discussion – O.C.G.A. §43-50-20 (2) 2003 Amendment for the 7th Board Member

Ms. Price explained that this information was requested by Dr. Bohn at the last meeting. While she could see there was an amendment made to the veterinary practice act in 2003, Ms. Price could not tell that the nature of that amendment. Ms. Price requested that the Legal Services Department research and locate that amendment and they did. The record shows the Board's statute was amended to include a provision to add a seat for a veterinary technician to the Board; however, the seat cannot be added until it is funded. At this point, the Board may wish to draft a formal request or consider asking GVMA to lobby for the funds to get the seat for a veterinary technician. Dr. Malphus requested that Scott ask the GVMA to look into the matter.

Discussion – Temporary License for Military Spouses and Transitioning Service Members

- 1) **Board Rule 700-4-.01 Temporary License Military Spouses and Transitioning Service Members**
- 2) **DD Form 2586 – Verification of Military Experience and Training**
- 3) **DD Form 295 – Application for the Evaluation of Military Experiences**

Dr. Bohn motioned, Dr. Sundstrom seconded, and the Board voted unanimously in favor of the motion to refer Board Rule 700-4-.01 as presented to the Attorney General's Office for a memorandum of authority and if no objections noted, vote to post

Rule 700-4-.01 Temporary License: Military Spouses and Transitioning Service Members

- (1) An applicant is eligible for a temporary license when such applicant:
 - (a) Is identified as a military spouse or transitioning service member, as defined in O.C.G.A. § 43-1-34.
 - (b) Has submitted a complete application for temporary license along with a fee in the amount established by the Board.
 - (c) Is a holder of a valid veterinary or veterinary technician license in another State:
 1. For which the training, experience and testing substantially meet or exceed the requirements under this state to obtain a license; and,
 2. Obtaining a specialty, certification, training, or experience in the military while a service member which substantially meets or exceeds the requirements to obtain a license in this state.
- (2) For the purposes of this rule, an applicant's training, experience and testing is substantially equivalent if the applicant:
 - (a) Has attained the age of 18;
 - (b) Submits proof of an active license in good standing from another state;
 - (c) Has not had any disciplinary action or sanctions issued against any licenses held in any state;
 - (d) Has not been arrested, convicted, sentenced, pled guilty to, pled nolo contendere to, or given first offender status for the commission of a felony, misdemeanor or any offense other than a minor traffic violation (*driving under the influence or driving while intoxicated are NOT minor traffic violations*);
 - (e) Has been in active practice for a period of two (2) years;
 - (f) Has submitted proof of lawful presence in the United States along with an approved secure and verifiable document.
- (3) Issuance of a temporary license shall authorize the holder to practice in this state for a period of six (6) months from the date of issuance or until the permanent license is issued, whichever occurs first.
- (4) Under terms and conditions established by the Board, a temporary license may be renewed for one six-month period only.
- (5) The holder of a temporary license may be subject to sanctions as provided in O.C.G.A. §43-50-27.
- (6) An applicant with a temporary license may be issued a permanent license if the following requirements have been met:
 - (a) The Board has received proof that the applicant has achieved a passing score on the national examinations accepted by the Board.

1. For veterinary applications, the Board accepts the North American Veterinary Licensure Examination (NAVLE) or the Clinical Competency Test (CCT) and the National Board Examination (NBE).
 2. For veterinary technician applicants, the Board accepts the Veterinary Technician National Examination (VTNE) or other examination similar in nature and scope.
- (b) The applicant has caused the submission of an official transcript(s) directly from:
1. an accredited college or school of veterinary medicine certifying completion of a Doctor of Veterinary Medicine program and the award of the Doctor of Veterinary Medicine degree or possesses an ECFVG certificate or its substantial equivalent; or,
 2. a veterinary technician program approved by the American Veterinary Medical Association certifying the applicant is a graduate.
- (c) If the applicant is applying for a permanent license to be a veterinarian in this state, the applicant must complete and pass the Georgia Law Exam.

Cite as Ga. Comp. R. & Regs. R. 700-4-.01

Authority: O.C.G.A. Sec. 43-50-21(a)(7).

History. Original Rule entitled "Temporary License" was filed on October 8, 1974; effective Oct. 28, 1974.

Amended: Filed April 16, 1976; effective 6, 1976.

Amended: Rule repealed and a new Rule of the same title adopted. Filed September 14, 1983; effective October 4, 1983.

Amended: F. Dec. 19, 1990; eff. Jan. 8, 1991.

Repealed: F. Mar. 10, 2015; eff. Mar. 30, 2015.

Board Chair's Report – B. Malphus

1) AVMA Response to FDA Proposed Guidelines

The Board accepted the correspondence in reference to AVMA response to FDA Proposed Guidelines as information.

2) CO Bill on VET Compounding

Dr. Malphus asked Mr. Piper where the AVMA Committee stands with the Bill on VET Compounding and suggested the Veterinary Board start an open communication to determine where the Georgia Board of Pharmacy stands with the VET Compounding Bill. Dr. Sundstrom motioned, Dr. Bohn seconded, and the Board voted unanimously in favor of the motion to allow the Board to start a dialogue with the Georgia Board of Pharmacy regarding VET Compounding with Dr. Malphus to serve as the Board Liaison and provide a copy of the Colorado Bill on VET Compounding to Mr. Piper.

3) VET Board Member Appointment to the GA Department of Agriculture

Dr. Malphus informed the Board that House Bill 60 was passed, the Georgia Veterinary Loan Repayment Program has been funded at \$100,000 this year and the program is administratively attached to the Georgia Department of Agriculture. The Commissioner of the Department of Agriculture wishes to move forward with forming the Program Board, and as required by law, the Georgia Board of Veterinary Medicine has to make one appointment to the Program Board. The Board directed Staff to notify Mr. Cobb that they have selected the following individuals as potential candidates for a position on the Program Board: Michael J. Zager, Leslie P. Sales, Jeffrey T. Davis, and Charles W. Graham.

4) AAVSB Auditing CE Through VCET

The Board directed staff to request an example of the Auditing CE through VCET.

5) Model Practice Act

Dr. Malphus informed the Board that the AAVSB now has a committee to look at language to assist member Boards with amending their practice acts to be more aligned with the veterinary practice act model (PAM).

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 active and inactive licensees and complaints/compliance matters. Ms. Price provided the Board with an update on the AAVSB's Georgia Licensure Video and presented the video at the meeting for the Board to review and make suggestions. She also provided the Board with the data from the GVMA LEAP Survey & notified the Board that the GVMA did include the issue regarding the incorrect usage of VET Tech Title by members of the profession within their e-newsletter. The Board accepted the report as presented.

Dr. Corry motioned, Dr. Bohn seconded, and the Board voted unanimously in favor of the motion to add the definition of secure and verifiable document, notification that emails from the Board end in 'sos.ga.gov,' and contact information to include the address and toll free number to the video prior to placing it into production.

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, and Dr. Sundstrom.

At the conclusion of Executive Session on Wednesday, June 22, 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

Applicant Interview(s)

- 1) #2596519 Dr. Corry motioned, Dr. Sundstrom seconded and the Board voted unanimously in favor of the motion to request the applicant to submit a new verification of employment form clarifying where he has been working with a detailed letter of explanation from the employer.

Executive Session Board Minutes

1) **April 20, 2016 Board Meeting Minutes**

Dr. Bohn motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the April 20, 2016 board meeting executive minutes as presented.

2) **June 21, 2016 Investigative Committee Minutes**

Dr. Bohn motioned, Dr. Corry seconded and the Board voted unanimously in favor of the motion to approve the June 21, 2016 investigative committee executive minutes as presented.

Attorney General's Report – K. Daughdril

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 and the following recommendations made in Executive Session.

- 1) W.W. Refer to the Attorney General's office for a hearing or summary suspension and an order for a mental and physical examination.

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:

Investigative Interviews:

- VET160041 Notify the respondent that a hold has been placed on the renewal of the respondent's Georgia Veterinary Medicine License pending the respondent appearing before the Investigative Committee to address the Board's concerns on this open complaint. Notice is to be forwarded via certified mail.
- VET160058 Upon receipt of a valid client consent form, close the case with a letter of concern regarding client communications and documentation and refer the respondent to Board Rule 700-12-.04 regarding record keeping.

Discussion Cases:

- VET130074 Close the case finding no violation in the standard of care and include a notice of apology for the amount of time it took to complete the investigation.
- VET160029 Close the case with a letter of concern regarding lack of day to day documentation of treatment for patients and boarding care. Reference Board Rule 700-12-.04 for record keeping.
- VET160038 Table pending proper service of the Order for Outpatient Mental Physical Examination on the respondent.
- VET160079 Close the case, finding no violation of laws and rules.
- VET160090 Close the case, finding no violation in the standard of care.
- VET160091 Close the case with a letter of concern for violations in medical record keeping. The treatment records are lacking documentation of vital signs.

- VET160098 Close with a letter of concern regarding care and failure to offer hospitalization to critically ill patients.
- VET160110 Close the case with notice to complainant that the issues presented are outside the jurisdiction of the board.

Applications for Board Review

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

- 1) A.R.A. Issue the license.
- 2) A.M.C. Refer to Legal Service to issue a Private Consent Agreement for Licensure with a \$200 fine for unlicensed practice from November 2015 to May 5, 2016.
- 3) C.W.C. Refer to Legal Service to issue a Private Consent Agreement for Licensure with a \$400 fine for unlicensed practice from September 2013 to April 22, 2016.
- 4) N.B.H. Issue the license.
- 5) J.A.M.E. Issue the license with a letter of concern regarding professional conduct.
- 6) K.R.R. Refer to Legal Service to issue a Private Consent Agreement for Licensure with a \$200 fine for unlicensed practice from January 6, 2015 to February 18, 2016.
- 7) H.B.S. Request the applicant to have the employer clarify on company letterhead the duties and responsibilities for each position held and the dates the Applicant held each position.
- 8) M.E.W. Refer to Legal Service to issue a Private Consent Agreement for Licensure with a \$200 fine for unlicensed practice from March 25, 2015 to May 2, 2016.
- 9) W.M.G. Reinstate the license with a letter of concern regarding criminal history.

Adjournment No further business was discussed and the meeting adjournment at 1:48 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: August 17, 2016

BECKEY MALPHUS, DVM
BOARD CHAIRPERSON

ADRIENNE PRICE
EXECUTIVE DIRECTOR