



WEST VIRGINIA BOARD OF VETERINARY MEDICINE
5509 Big Tyler Road, Suite 3
Cross Lanes, West Virginia 25313
Telephone: (304) 776-8032 Fax: (304) 776-8256

MINUTES

January 9, 2020 @ 9:00 AM
White Sulphur Springs, WV

Members Present: Dr. John Wilson; Dr. Keith Berkeley; Dr. Frank Cary; Mrs. Jo Long; Mrs. Amy Meadows;
Dr. D. James Moore; Mrs. Monica R. Patton
Members Absent: Dr. Mark Ayers; Dr. Barbara Meade
Non-Members Present: Keith Fisher, Attorney General's Office
Minutes taken by: Trish Holstein

I. The Meeting was called to Order at 9:02 am.

II. Dr. Wilson went over the Mission Statement.

III. There were no Public Comments.

Mrs. Long motioned to go into Executive session at 9:03 am to discuss disciplinary; seconded by Mrs. Meadows. Motion carried.

Dr. Berkeley motioned to go out of Executive session at 11:42 pm; seconded by Mrs. Patton. Motion carried.

IV. Disciplinary Committee Report

- a) Case No.0517A Dr. Kevin Rowles (Original complaint received 5/25/17 18 months - 11/25/18)
- Hearing was held on September 6, 2018.
 - 2nd Hearing November 13, 2018 postponed for negotiations.
 - 18-month letter signed October 15, 2018.
 - 2nd Hearing March 20, 2019.
 - 18-month letter extended to December 16, 2019 signed on April 11, 2019.
 - Brief submitted to Administrative Law Judge on May 1, 2019.
 - Final Order effective December 11, 2019
 - Revoked indefinitely for a period of no less than three years.
 - May not apply for licensure until the expiration of the three-year period, and prior to any such application, must have completed the following:
 - Reimbursement of the reasonable and necessary expenses.
 - Within five days of making application, submit to a hair follicle drug test, at his own expense.
 - Submit to a state and national criminal history record check.
 - If licensure application is approved:
 - Placed on probation for a period of two (2) years.
 - Work under the direction of a Board-approved Supervisory Veterinarian.
 - Random urinalysis drug test.

- b) Case BVMCE0419A Dr. Reagan Rodgers Board Complaint CE Audit
 - Consent Agreement and Order signed August 5, 2019.
 - Within 90 days of Consent Agreement and Order (November 5, 2019).
 - Pay fine of \$100.00 received August 5, 2019.
 - Reimbursement of administrative cost received October 8, 2019.
 - Accepts CE hours completed to date during the calendar year 2019 in lieu of the deficient continuing education for the calendar year 2018. Such hours may NOT be counted as part of the CE requirement for the year 2019.
 - Submit to a CE audit for calendar year 2019.
- c) Case BVMCE0419B Board Complaint CE Audit
 - **Mrs. Long** motioned to decline the counteroffer and to give 14 days to sign the Consent Agreement or to proceed to a hearing; seconded by **Mrs. Meadows**. Motion carried.
- d) Case No.0719A (Original complaint received 07/10/2019 18 months - 1/10/21)
 - **Dr. Moore** motioned to not find probable cause; seconded by **Mrs. Long**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- e) Case No.1019A (Original complaint received 10/02/2019 18 months – 4/2/21)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Dr. Cary**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- f) Case No.1019B (Original complaint received 10/02/2019 18 months – 4/2/21)
 - **Mrs. Long** motioned to not find probable cause; seconded by **Dr. Cary**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- g) Case No.1119C (Original complaint received 11/04/2019 18 months – 5/4/21)
 - **Mrs. Long** motioned to not find probable cause; seconded by **Dr. Moore**. The large animal complaint committee left the room and recused themselves from the vote. Motion carried.
- h) Case No.1119D (Original complaint received 11/14/2019 18 months – 5/14/21)
 - **Mrs. Long** motioned to find probable cause and to submit a Consent Agreement; seconded by **Dr. Cary**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- i) Case No.1119E (Original complaint received 11/18/2019 18 months – 5/18/21)
 - **Mrs. Long** motioned to further investigate; seconded by **Dr. Cary**. Motion carried.
- j) Case No.1119F (Original complaint received 11/18/2019 18 months – 5/18/21)
 - **Dr. Berkeley** motioned to not find probable cause; seconded by **Dr. Moore**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- k) **Dr. Berkeley** motioned to further investigate the case of a veterinarian involved with breach of professional standards with the WV Board of Pharmacy; seconded by **Mrs. Long**. Motion carried.
- l) **Dr. Cary** motioned to request further information regarding the accused VA licensed veterinarian practicing in WV unlicensed.
- m) The Board discussed adverse actions.

V. Approval of Minutes

- a) **Mrs. Patton** motioned to approve the October 21, 2019 minutes; seconded by **Mrs. Meadows**. Motion carried.
- b) **Mrs. Patton** motioned to approve the December 11, 2019; seconded by **Mrs. Meadows**. Motion carried.

VI. Reports

- a) The Board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing.
- b) **Mrs. Long** motioned to approve the P-Card Charges October 17, 2019 – December 16, 2019; seconded by **Mrs. Meadows**. Motion carried.
- c) The Board reviewed the 3rd and 4th Quarter 2019 to Date Facility Inspection Reports.
- d) Trish advised the status of the revised Rules for Series, 1, 3, 6, and the committee amendment for the RVT fees that was in front of the Legislative Rule Making Review Committee on December 19, 2019.
- e) Complaint Committee Meeting was held January 9, 2020 at 8:00 am.

- f) The AAVSB Conference held September 26-28, 2019 in St. Louis, MO was discussed at the last Board meeting.
- g) The FARB Regulatory Law Seminar held October 3- 6, 2019 was discussed at the last Board meeting.
- h) Trish, Doreen, Mrs. Patton, Mrs. Meadows, and Mrs. Long attended the Auditor Chapter 30 Seminar on October 29, 2019.
 - FOIA Request
 - 2019 Legislation
 - Letters of Concerns
 - Cease and Desist Letters
 - Annual Biennium Agency Report Requirements
- i) A contract for a new database with InLumon went effective November 1, 2019 and the WV Treasurer's Office will be recreating the Board's website.
- j) NC ambulatory inspections were cancelled due to the death of Dawn's brother. It will be rescheduled in Spring 2020.
- k) Executive Director Report
 - The Board reviewed the applications and renewals approved by Executive Director and statistics from October 1 –December 31, 2019.
 - The Board reviewed online, office, and expired renewal counts from October 1 –December 31, 2019.
 - The Board discussed the AAEP article regarding alleged non-licensed veterinarians practicing WV and requested a written response be sent to the article's author.
- l) There were no mobile quarterly reports for the Board to review.

VII. There were no Questions for the Board.

VIII. New Business

- a) **Mrs. Meadows** motioned to approve all the Common Consent Votes from October 21, 2019 Board meeting; seconded by **Dr. Berkeley**. Motion carried.
 - Common consent to approve the porting of the Board's website to the WV Treasures Office infrastructure for approximately \$1500.00 with a monthly fee of \$20.00 a month. Common Consent to approve the database purchase from Inlumon for \$9300 a year.
 - Common Consent that the Board does not have a list for required emergency cardiac and pulmonary resuscitation drugs. The drugs that veterinarians choose to use should meet the current standard of care and are not expired.
 - Common Consent to approve the protocol submitted by Dr. Moore for expired and reappointed veterinary technicians.
 - Common Consent that Trish, Mike Leland, Dawn Karnes, and Dr. Wilson to attend the NC ambulatory inspections on November 21, 2019.
 - Common Consent to approve the revised P-Card Internal Controls.
 - Common Consent to approve the list of veterinary specialties.
- b) **Dr. Berkeley** motioned to send a letter regarding the use of Xyalazine for euthanasia at an animal control facility; seconded by **Mrs. Long**. Motion carried.
- c) **Dr. Berkeley** motioned that drugs dispensed need to be labeled "expiration date" as part of the actual label, not on an accessory label; seconded by **Mrs. Patton**. motion carried.
- d) **Mrs. Meadows** motioned to do a letter to the veterinarians listing a specialty requesting them to provide documentation of their Board-certified specialty; seconded by **Mrs. Long**. Motion carried.
- e) Dr. Cary will notify Trish if he would like to attend the AAVSB Board Basics and Beyond Training held April 17-18, 2020.
- f) **Mrs. Long** motioned to approve the CE extension request to December 31, 2019; seconded by **Dr. Berkeley**; Motion approved.
- g) The Board members will review the AAVSB Draft Practice Act on Opioids and Scope of Practice for Veterinary and Technician and advise Trish of any feedback by February 14, 2020.
- h) **Dr. Berkeley** motioned that because the training and requirements for Veterinary Technology degree is equivalent with the Veterinary Nursing degree, The Board would accept the Veterinary Nursing degree if the applicant met all the other Board requirements; seconded by **Mrs. Long**. Motion carried.

- i) **Mrs. Long** motioned that based upon the neighboring states average fees and the efficiency of online renewals, the Board is willing to reduce the RVT's fees:
- Application - \$32.50
 - Renewal - \$26.50
 - Inactive - \$15.50 inactive
 - Renew an Inactive - \$26.50 to renew an inactive
- The Board will also be looking at other fees in the future; seconded by **Dr. Berkeley**. Motion carried.
- j) The Board discussed their strategy and goals for 2020
- Review fees and budget to be able to lower fees and operate more efficiently.
 - Inform the public and licensees of the Board's budget and expenses.
 - Monitor the inspection process with the goal to improve efficiency and cost.
 - Inform legislators to the fact that Board operates efficiently.
 - Revise the Disciplinary/Complaint policy.
 - Replace expired Board members.
 - Provide information articles to educate the public.
 - Educate licensees on compounding new regulations.
 - Ensure licensees compliance with control substance monitoring.
- k) **Dr. Berkeley** motioned to approve the January 2020 newsletter; seconded by **Mrs. Meadows**. Motion carried.
- l) **Mrs. Long** motioned to approve the Inspector Requirement policy; seconded by **Mrs. Meadows**. Motion carried.
- m) Compounding pharmacy for internal dispensing will be discussed once the new requirements go into effect.
- n) A record keeping instructor was tabled for the next Board meeting.
- o) The Board discussed disciplinary scoring and requested feedback from the Board to be approved at the next Board meeting.
- p) **Dr. Berkeley** motioned to adopt the MN language for exempt student permissible duties; seconded by **Mrs. Long**. Motion carried.
- q) **Dr. Berkeley** motioned to approve the amended Lay Member Protocol provided by Dr. Moore; seconded by **Mrs. Meadows**. Motion carried.

IX. The next Board meeting will be at the Board office on Monday, April 27, 2020, at 9:00 am.

- a) The Board agreed to 3 years contract, January 6, 2021, January 5, 2022, January 4, 2023, with Greenbrier for the quote of \$119.00 a night and no conference room fee.

X. The meeting was adjourned at 3:45 pm.

Approved by:


Monica R. Patton, RVT
Secretary-Treasurer