

**MINUTES, North Carolina Veterinary Medical Board  
Raleigh, North Carolina, January 18, 2018**

At 8:06 a.m., President William K. Dean, DVM called to order the regular meeting of the North Carolina Veterinary Medical Board. Present were the following Board members: Drs. Kent Dean, Jane Barber, and Susan Bull. Board members Drs. Kim Gemeinhardt, Douglas Meckes, Ronald Komich, Robin Lazaro, RVT, and Mrs. Krissie Newman attended by phone conference. Also present were Board Attorney, George Hearn and Executive Director, Tod J. Schadler. Jeffrey Tyrrell, student liaison to the Board also attended by phone conference.

Dr. Dean reviewed with the Board the Governor's and the North Carolina Board of Ethics' statement on recognizing and avoiding conflicts of interest. He also reviewed G.S. § 90-179 of the North Carolina Veterinary Practice Act.

The November 30, 2017 Board meeting minutes were reviewed. Dr. Gemeinhardt, seconded by Dr. Barber, moved to approve the November 30, 2017 Board minutes, with corrections. The minutes were approved with corrections unanimously.

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Mrs. Newman asked Board members for ideas on future speakers or topics to consider. Dr. Gemeinhardt suggested Mr. Jim Penrod for strategic planning at the next Board Meeting and Dr. Barber suggested media training.

Dr. Dean has met with DHHS representatives concerning controlled substance reporting. The DHHS is to provide a portal for reporting. The North Carolina Veterinary Medical Association has suggested that the Practice Act include a mandatory 1 hour CE on the controlled substances reporting requirements.

Dr. Meckes discussed the GenX water quality issues concerning the Cape Fear River. There will be a public hearing next week concerning the GenX discharges into the river and into the air from the smoke stack. Testing is not yet conclusive and the situation will be monitored.

An update on the World Equine Games (September 12-23, 2018) in Tryon, NC was given by Dr. Meckes. Management of ticks on endurance trails is still an issue. The event organizers will possibly use an insecticide

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approved for pastures in and near the barn areas. Affected horses are to be kept separate and will be treated each time they leave and come back.

At 8:46 a.m. Dr. Barber moved to go into a closed session, pursuant to G.S. § 143-318.11(6), concerning personnel issues. This was seconded by Dr. Gemeinhardt and approved unanimously.

At 10:00 a.m. Dr. Barber made a motion to return from closed session, seconded by Dr. Gemeinhardt. Passed unanimously.

Dr. Dean moved to have the Personnel Committee take the actions that were decided on in the closed session. The motion, seconded by Dr. Gemeinhardt and was passed unanimously.

The Legislative Committee, Dr. Barber, Dr. Gemeinhardt, Dr. Schadler, and Mr. Hearn gave a report. Hopefully, 21 NCAC 66.0206 Minimum Standards for Continuing Education will be approved by the Rules Review Commission and go into effect on February 1, 2018. The Committee has had research done on statutes and rules in various states which allow or prohibit practice ownership by non-veterinarians and which jurisdictions require premise permits. They will review. The Committee

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will continue to study the advisability of the Board adopting by reference into its rules, parts of the American Veterinary Medical Association Rules of Professional Conduct. The Periodic Rules Update has been completed for the NCVMB.

Dr. Bull, who is part of the Finance Committee, gave an updated report. There was a discussion of the issue of 1099s and W2s for the Board Members. Mr. Shelton Hawley, CPA, recommended 1099s be given to the Board for 2017. This entire issue is still being studied by other occupational licensing boards. Dr. Komich, seconded by Dr. Gemeinhardt, made a motion to have Mr. Hearn move forward with the attorney group and obtain a legal ruling regarding the report of payments to Board members. The motion was passed unanimously. Mr. Hearn will meet with other Board attorneys concerning this matter.

Dr. Gemeinhardt gave an update on the recent AAVSB meeting she attended and various programs it has available for Boards to use at no cost:

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- 1) VIVA – a centralized database for veterinarians’ and technicians’ credentials. Dr. Schadler is to research and determine VIVA’s compatibility with our current software.
- 2) SPA (State Provincial Assessments) – a service of online or paper jurisprudence exams for Boards. They can be proctored or non-proctored.

There was a discussion about how other Boards handle complaints and issues of due process of law. A recent article arising from a case with the Michigan Veterinary Medical Board recommended that the term “incompetence” be defined in statute or rule. Dr. Schadler said it always best to adhere to the allegations from the complainant. If something unrelated to the complaint is revealed during the investigation, then in most cases this new information should be the subject of a Board initiated complaint.

An Inspector Meeting is scheduled for January 31, 2018.

Mr. Hearn reported the completion of 58 closing letters for complaints in 2017. The number included two consent orders.

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Mr. Tyrrell gave an update as Student Liaison. He has reached out to all classes at NCSU-CVM. He received two questions from his interactions. One question concerned the proper chain of authority to report animal cruelty. The second question was about general information concerning the Board's procedures regarding complaints and disciplines against Veterinarians. The students would like more in-depth information concerning the complaint process, due process, and the Board's insights. Mr. Tyrrell plans to continue speaking with the faculty, administration, and staff and will direct people to the NCVMB website for information. Dr. Bull congratulated him on the job he is has done so far.

Dr. Tod Schadler, Executive Director, gave an update on activities. Mrs. Newman had a question about expenses for the inspectors, which was answered to her satisfaction.

Dr. Larissa A. Bowman had requested a CE extension. Dr. Bull made a motion to grant this extension, seconded by Dr. Komich. The motion was approved unanimously.

Robin Lazaro, RVT, brought to the attention of the Board information concerning a Mrs. Peters, a breeder of Golden Doodles. The information

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indicated that she was offering to perform ultrasounds on pregnant dogs. A letter was written to Mrs. Peters by Dr. Schadler advising her that offering this service was the practice of veterinary medicine. Ms. Peters stated that she will no longer be offering this service to the public.

11:20 a.m. the Board recessed for a break, reconvening at 11:25 a.m.

Dr. David Marshall, Chief Inspector, gave a report. November and December had fewer inspections scheduled than other months. Inspector Dr. Joseph Wright is doing well. With the addition of a third inspector, inspection loads have reduced from 90 to 50 per quarter. This leaves the inspectors with more time to spend at the facilities to help educate veterinarians and staff. Dr. Marshall will give a speech about Core Accreditation in February 2018. A question to be considered by the Board for the future: should licenses, registrations, and inspection certificates be posted in the public area of a facility?

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**Report of Committee on Investigations No. 1**

- 2017023-1 **Barbara Kay Lawrence, DVM** (Lake Country Animal Hospital) – Mr. Robin Turner – Committee reconsidered the Letter of Caution decision and changed to No Probable Cause / Dismissed. The Committee recommends that the Board initiates a complaint against Dr. Jamie Marshall on Mr. Turner’s allegations.
- 2017029-1 **Rachel Blackmer, DVM** (Southpoint Animal Hospital) – Mr. Terry Hartman – The Committee reconsidered to and reaffirmed its No Probable Cause/Dismissal decision but decided to add cautionary words regarding amendments to the medical record.
- 2017031-1 **John Walter Stinson, DVM** (Animal Hospital of Wilkes) – Mr. Chuck Phillips & Family – No Probable Cause / Dismissed
- 2017047-1 **Heather Keir Sinclair, DVM** (Haw Creek Animal Hospital) – Ameli Cyr, RVT – No Probable Cause



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2017041-1 **Deborah Ann Cowan, DVM** (Animal Hospital of Walnut Cove) – Ms. Meghan Kelley – No Probable Cause / Dismissed

2017049-1 **Kimberly Ann Young, DVM** (Banfield Pet Hospital) – Ms. Chelsea Wiley & Mr. Ogden Buck – No Probable Cause / Dismissed

Dr. Komich made a motion, seconded by Robin Lazaro, RVT, to approve the report from Committee on Investigations No. 1. Dr. Gemeinhardt recused herself from the discussion and vote on Complaint 2017041-1. The report from Committee 1 was approved.

2017043-1 **Dwight Edwin Cochran, II, DVM** – NCVMB – Consent Order

Committee on Investigations No. 1 presented its recommendations on complaint number 2017043-1 concerning Dwight Edwin Cochran, II, DVM, that the Board approve a Consent Order to resolve the Committee's investigation of this complaint. Mr. Colon Willoughby, a Raleigh attorney, helped with the drafting and negotiation of this Consent Order. At 11:55 a.m., Mr. Colon Willoughby joined the meeting by phone conference. He

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explained the provisions of the Consent Order which had been agreed to by Dr. Cochran. This proposed Consent Order was emailed and reviewed by all Board Members.

Dr. Meckes made a motion to accept the Consent Order and to authorize Dr. Dean to sign it on the behalf of the Board. The motion was seconded by Dr. Bull and approved unanimously.

Mr. Willoughby left the meeting at 12:15 p.m.

**Report of Committee on Investigations No. 7**

2017011-7 **Kevin Lewis Brophy, DVM** – NCVMB – Continued

2017004-7 **Jami Nichole George, DVM** (Brigadoon Animal Hospital) – Ms. Dorothy Tant – Committee reconsidered its previously issued Letter of Reprimand, which had been rejected by Dr. George. The reconsidered decision is a Letter of Caution.

2017017-7 **David Charles Brazik, DVM** (Leland Veterinary Hospital) – Ms. Shannell Armstrong – Dr. Brazik had rejected previously the Letter of Reprimand. The

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Committee reconsidered the case but its decision remains a Letter of Reprimand.

2017044-7 **Andrew Lee Pierce, DVM** (Denver Animal Emergency) – Ms. Teresa Post – No Probable Cause / Dismissed

2017046-7 **Melanie Jeanne Silvious, DVM** (Hope Mills Road Animal Hospital) – Mr. Gilbert Viegra – Letter of Caution.

2017020-7 **Nicolette McBride Harris, DVM** (Southern Oaks Animal Hospital) – Ms. Rebecca Platt – No Probable Cause / Dismissed.

2017050-7 **Rachel Marie Rice, DVM** (Carolina Veterinary Specialists) – Ms. Charlene Clarke – No Probable Cause / Dismissed

2017051-7 **Dr. Steven A. Walker, DVM** (Countryside Animal Hospital) – Ms. Jean Wiggs - Continued

Mrs. Krissie Newman made a motion, seconded by Dr. Barber, to approve the report from Committee on Investigations No. 7. Dr. Dean

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recused himself from the discussion and vote on Complaint 2017020-7. The report from Committee 7 was approved.

A motion by Dr. Gemeinhardt to approve expenses, seconded by Dr. Barber, was approved unanimously.

The Board having no further business, a motion to adjourn was made by Mrs. Krissie Newman, seconded by Dr. Bull, and unanimously passed. The meeting adjourned at 1:40 p.m.

Respectfully Submitted,

Tod J. Schadler, DVM  
Executive Director