

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

President Herbert Justus, DVM, called the regular meeting of the North Carolina Veterinary Medical Board to order at 8:00 a.m. In attendance were Board members Drs. Linwood Jernigan, Amy Lewis, David Marshall, Richard Hawkins, Kenneth Padgett, Mrs. Nancy Robinson, R.V.T., and Ms. Amy Edwards. Also present were Board Attorney, Mr. George Hearn, and Executive Director, Mr. Thomas Mickey.

The Executive Director read the minutes of the January 14, 2005, meeting. On a motion made by Dr. Padgett, seconded by Mrs. Robinson, the minutes were approved.

Dr. Lewis made a motion to rescind the Board's January 14, 2005 decision to restructure two Committees on Investigation. Dr. Padgett seconded the motion. Following discussion the motion passed unanimously.

Dr. Justus appointed Ms. Edwards to replace him on the Committee on Investigations No. 1 and that this new Committee be referred to as Committee No. 2. Dr. Justus also appointed Dr. Hawkins to replace him on the Committee on Investigations No. 8. Dr. Hawkins is to Chair that Committee.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Dr. Lewis made a motion to reconsider the Board's decision on Board initiated complaint no. 04053-2-7 against Michele J. Ewing, DVM and Bruce Tarkington, DVM, approved at the January Board meeting. Dr. Padgett seconded the motion. The motion passed unanimously.

Following discussion, Dr. Jernigan moved to adopt the Committee's previous recommendation in Board initiated complaint no. 04053-2-7. The Committee's original recommendation is readopted that the portion of the complaint against Dr. Tarkington is dismissed and that Dr. Ewing receives a letter of reprimand and a \$500.00 civil monetary penalty and 20 additional required hours of continuing education. Dr. Lewis seconded the motion. It is recommended that the civil monetary penalty be based upon the duration and gravity of the violation [G.S. § 90-187.8(b)(2)] and the fact that the licensee profited by the violation [G.S. § 90-187.8(b)(6)]. The motion passed unanimously with Dr. Hawkins abstaining.

Dr. Jernigan made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5), to discuss current and future employment compensation of Board staff. Mrs. Robinson seconded the motion. The

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

motion passed unanimously. At 9:20 a.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 9:30 a.m.

The meeting of the Board adjourned at 9:30 a.m., for a five-minute break, and reconvened at 9:35 a.m.

At 9:35 a.m. Steven R. Cobb, D.V.M. appeared before the Board to discuss the relationship between the Piedmont Community Spay, Neuter & Wellness Clinic and the Guilford County Humane Society in Greensboro. Dr. Cobb left the meeting at 10:10 a.m.

Dr. Jernigan reported on the meeting he and Dr. Marshall had with Richard Mansmann, D.V.M., from the North Carolina State University College of Veterinary Medicine concerning equine massage. No further action was taken.

Dr. Jernigan reported on his presentation to the Large Animal Issues Dinner on March 29, 2005. No further action was taken.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

At 10:30 a.m. Warren Pendergast, M.D., Medical Director, of the North Carolina Physicians Health Program (NCPHP), joined the meeting. He presented the 2005 action plan of NCPHP to educate the veterinarians and registered veterinary technicians of North Carolina about issues relating to impairment and the Impairment Program. Dr. Pendergast left the meeting at 10:50 a.m. No further action was taken.

The Board Investigator presented a report on his activities. No further action was taken.

The Executive Director reported on activities of the Board office since the last meeting. No further action was taken.

The Executive Director distributed a financial report to the Members of the Board. Dr. Lewis made a motion to approve the report. Dr. Padgett seconded the motion. The motion passed unanimously.

The meeting of the Board adjourned at 11:02 a.m., for a five-minute break, and reconvened at 11:10 a.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Report of Committee on Investigations No. 1.

- 04042-1-1 Shaylene Michelle Snyder, DVM (Complaint by William Ezra Rodgers, III, D.V.M.) – Dismissed, no probable cause.
- 04056-3-1 William Ezra Rodgers, III, DVM (Complaint by Gerald Bruce Dienhart, DVM) – Dismissed, no probable cause. The Committee recommended that a Board initiated complaint be initiated against Dr. Rodgers for apparent violations of the Veterinary Practice Act involving practice in an uninspected facility.
- 04055-2-1 James G. Mackie, Jr., DVM (Complaint by Mrs. William Arnold) – Continued.
- 04044-1-1 Bobbi Jo Griffith, DVM and Ivy Oakley Heath, DVM (Complaint by Ms. Trisha J. Miller) – The portion of the complaint against Dr. Griffith is dismissed, with a finding of no probable cause. Dr. Heath is to receive a Letter of Caution.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

04050-1-1 Raymond M. Morrison, DVM and Jenifer Hope Geisler, DVM (Complaint by Mr. E. Vernon Ferrell, Jr.) – Continued.

04062-1-1 Kevin Thomas Concannon, DVM and Paul Martin Manino, DVM (Complaint by Ms. Robin Dunbar)
The portion of the complaint against Dr. Concannon is dismissed with a finding of no probable cause. Dr. Manino is to receive a Letter of Caution. Because of the discussion of this case, the Board voted on this case independently of the other Committee No. 1 cases. The Board voted to approve the Committee's recommendation with Dr. Justus, Dr. Marshall, Dr. Padgett, Dr. Jernigan and Ms. Edwards voting for the recommendation, and Mrs. Robinson, Dr. Hawkins and Dr. Lewis voting against the recommendation.

04061-1-1 Susan Ries Valashinas, DVM and Charles E. Franklin, DVM (Complaint by Ms. Sadena L. Corbin) – The portion of the complaint against Dr. Valashinas is dismissed, with a finding of no

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

probable cause. Dr. Franklin is to receive a Letter of Caution.

04028-1-1 William T. Dawkins, DVM (Complaint by Mr. James A. Beaty, Jr.) – Disciplinary action – Letter of Caution.

04059-1-1 Christopher Dunn Meyer, DVM (Complaint by Ms. Wendy Young) – Continued.

Dr. Lewis made a motion to approve the Committee on Investigations No. 1 report. Dr. Padgett seconded the motion. The motion passed unanimously.

The meeting of the Board adjourned at 12:10 p.m.

The regular meeting of the Board reconvened at 12:45 a.m.

Report of Committee on Investigations No. 2.

05001-1-2 Diane Wilhalf, DVM and Sally Jane Moore, DVM (Complaint of Mr. and Mrs. Kenneth Reig) – Dismissed, no probable cause.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

05009-1-2 William H. Burroughs, DVM (Complaint of Ms. Janet P. Darling) – Disciplinary action, Letter of Reprimand and \$250.00 Civil Monetary Penalty. The grounds for the Civil Monetary Penalty is a finding of factors in G.S. 90-187.8(b)(4), [fraud or deception].

05003-1-2 Marc T. Schoenfield, DVM and Margaret S. Wright, DVM (Complaint of Ms. Bonnie S. Shields) – Dismissed, no probable cause.

Dr. Lewis made a motion to approve the Committee on Investigations No. 2 report. Dr. Padgett seconded the motion. The motion passed unanimously.

At 1:10 p.m. Cathleen M. Moran, DVM, H. L. Whitley, Jr., DVM, Terence G. Frazure, DVM, and George R. Silver, DVM joined the meeting to discuss after hours emergency services in Goldsboro, North Carolina. Following their presentation to the Board, they left the meeting at 1:35 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Dr. Marshall made a motion to allow the veterinary practice facilities represented by Drs. Moran, Whitley, Frazure and Silvers to send their after hours emergencies, starting at 10:00 p.m., to the North Carolina State University College of Veterinary Medicine, Veterinary Teaching Hospital. Dr. Jernigan seconded the motion. The motion passed unanimously.

Report of Committee on Investigations No. 7.

- 04045-2-7 Larry K. Watts, DVM (Complaint by the Board) –
The Committee reconsidered its previous decision to issue a Letter of Reprimand and Civil Monetary Penalty. The Committee recommends that a Letter of Caution be issued instead. The Board will initiate a complaint on the facts of the complaint against the former co-owner of the practice, James P. Cartner, D.V.M.
- 04039-1-7 John Patrick Galligan, DVM (Complaint of Ms. Debra M. Green) – Dismissed, no probable cause.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

- 04033-1-7 Diane Whittier Dudley, DVM (Complaint of Mr. and Mrs. Bill Holder) – Dismissed, no probable cause.
- 04027-1-7 Harold M. Mauldin, Jr., DVM (Complaint of Mr. and Mrs. Joseph Bateman) – Disciplinary action – Letter of Caution.
- 04058-1-7 Mary Louise James, DVM (Complaint of Ms. Danielle Rian) – Disciplinary action – Letter of Caution.
- 04041-2-7 Gregory K. Hedrick, DVM (Complaint by the Board) – Disciplinary action – Letter of Reprimand and \$500.00 civil monetary penalty. The grounds for the Civil Monetary Penalty are factors in G.S. 90-187.8(b)(2), [duration and gravity of the violation] and 90-187.8(b)(6), [licensee profited by the violation].
- 04060-1-7 Christine Lewis Duke, DVM (Complaint by Ms. Julie A. Foxworth) – Dismissed, no probable cause. The Board will initiate a complaint on these facts against Dr. Thomas Kuhn.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

04054-1-7 Jessa Jo Ovitt, DVM (Complaint by Mr. and Mrs. James Welch) – Dismissed, no probable cause.

05004-1-7 Randolph William Wetzel (Complaint by Mr. and Mrs. Gary Caton) – Dismissed, no probable cause.

Dr. Marshall made a motion to approve the Committee on Investigations No. 7 report. Dr. Hawkins seconded the motion. The motion passed unanimously, with Dr. Jernigan excusing himself from voting on complaint no. 04027-1-7.

Report of Committee on Investigations No. 8.

02054-2-8 Robert Jeffrey Krawcczyk, DVM and Jeffrey D. Courville, DVM (Complaint by the Board) – The Committee reconsidered its previous decision to issue a letter of reprimand. Following the reconsideration the Committee recommended that a letter of caution be issued.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Dr. Padgett made a motion to approve the Committee on Investigations No. 8 report. Mrs. Robinson seconded the motion. The motion passed unanimously.

Dr. Lewis made a motion to send Dr. Cobb a letter stating that the issues he has raised are not within the jurisdiction of the Board. Dr. Hawkins seconded the motion. The motion passed unanimously.

The meeting of the Board adjourned at 2:35 p.m., for a ten-minute break, and reconvened at 2:45 p.m.

The Board reviewed the Statement of Economic Interest for Dr. Hawkins that was received from the North Carolina Board of Ethics. No further action was taken.

The Board reviewed the letter from Ms. Patricia C. Farr concerning her treatment at the Wilmington Animal Emergency Clinic. Dr. Lewis made a motion that a letter be sent to Ms. Farr about the veterinarian in charge of the facility and discussing the Board's formal complaint process. Dr. Padgett seconded the motion. The motion passed unanimously.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

The Board reviewed the material received from Tiffany Christensen and Chris Wend about, “Happy at Home Pet Hospice and Home Health Care.” The Board directed that a letter be sent requesting them to disclose the names of the veterinarians that they have a relationship with. Upon receipt of that information, the Executive Director is to determine whether the relationship conforms to the Veterinary Practice Act. They will also be asked to appear before the Board before a decision regarding their request will be rendered.

Dr. Padgett made a motion to grant John R. Puette, DVM a 6-month extension on earning his 20 hours of continuing education for 2005. Mrs. Robinson seconded the motion. The motion passed unanimously.

Dr. Lewis made a motion to grant Ms. Diana Clark an extension until June 30, 2005, on earning her 12 hours of continuing education for 2005. Dr. Hawkins seconded the motion. The motion passed unanimously.

The Board reviewed the letter from Robert Messenger, DVM concerning registered veterinary technicians providing emergency care until

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

a veterinarian can reach the premise. A letter is to be sent to Dr. Messenger stating that as it stands today the Veterinary Practice Act does not allow a technician to work without supervision.

Dr. Jernigan made a motion to approve the 2005-2006 contract for the North American Veterinary Licensing Examination with the National Board of Veterinary Medical Examiners. Dr. Hawkins seconded the motion. The motion passed unanimously.

Dr. Jernigan made a motion to approve the request from Scott E. McDonald, DVM for a 30-day extension on the additional continuing education required as part of his discipline for complaint no. 04049-2-8. Dr. Lewis seconded the motion. The motion passed unanimously.

The Long Range Planning Committee presented a brief report on their progress. The Committee requested that Dr. Jernigan chair a Committee that would review the Veterinary Practice Act.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Dr. Hawkins made a motion to have high-speed Internet access installed in the Board office. Dr. Lewis seconded the motion. The motion passed unanimously.

Dr. Justus appointed a Nominating Committee consisting of Dr. Hawkins, Dr. Jernigan and Mrs. Robinson. The Committee is to recommend a slate of officers at the next Board meeting.

Dr. Jernigan made a motion to enter into a closed session pursuant to G.S. § 143-318.11(a)(5), to discuss current and future employment compensation of Board staff. Dr. Padgett seconded the motion. The motion passed unanimously. At 4:28 p.m., the Board entered into closed session.

The regular meeting of the Board reconvened at 4:35 p.m.

Upon a motion by Mrs. Robinson, seconded by Dr. Jernigan, the Board approved the actual expenses for this meeting.

The meeting was adjourned by unanimous vote upon a motion by Dr. Jernigan and seconded by Dr. Padgett at 4:45 p.m.

**MINUTES, North Carolina Veterinary Medical Board
Raleigh, North Carolina, April 8, 2005**

Respectfully Submitted,

Thomas M. Mickey
Executive Director