



**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**

**Monday, October 15, 2018 @ 9:00 AM**  
**Stonewall Resort, Roanoke, WV**

Members Present: Dr. John Wilson; Ms. Monica R. Patton; Dr. Mark Ayers, Dr. Keith Berkeley;  
Ms. Jo Long; Ms. Amy Meadows; Dr. D. James Moore; Dr. William Peery;  
Dr. Meade left the meeting at 12:30 pm.  
Non-Members Present: Doreen Colbert, Secretary; Keith Fisher, Attorney General's Office  
Minutes taken by: Trish Holstein

- I. The meeting was called to order at 9:05 am.
- II. Dr. Wilson went over the WV Board of Veterinary Medicine's Mission Statement.
- III. There were no Public Comments.

Dr. Moore motioned to go into executive session to discuss disciplinary and Inspector salary at 9:06 am; seconded by Ms. Meadows. Motion carried.

Dr. Berkeley motioned to go out of executive session at 11:43 am; seconded by Dr. Moore. 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.
  - 2<sup>nd</sup> Hearing is scheduled for November 13, 2018.
  - Dr. Berkeley motioned to allow Keith Fisher, attorney, to try for a resolution. If the case is not settled, then to continue with hearing; seconded by Dr. Moore. Motion carried.
  - Dr. Meade and Dr. Wilson signed the 18-month letter that's due by November 16, 2018.
- b) Case No.0817B Dr. Tina Keplinger (Original complaint received 8/25/17 18 months - 2/25/19)
  - Consent Agreement and Order was signed May 16, 2018.
  - Within 6 months of Consent Agreement and Order (November 16, 2018)
    - 3 hours of Board approved CE's in pharmaceutical or medication administration
    - Reimbursement of administrative cost
  - Dr. Berkeley motioned that since the CE's required are difficult to find, the Board agrees to extend the CE time requirement to January 1, 2019; seconded by Ms. Long. Motion carried.
- c) Case No.1117B Dr. Thomas McMahon (Original complaint received 11/28/17 18 months - 5/28/19)
  - Consent Agreement and Order was signed April 11, 2018.
  - 1-year Probation (April 11, 2019)
  - Within 6 months of Consent Agreement and Order (October 11, 2018)
    - 6 hours of Board approved CE's in record keeping or documentation
      - Within 6 months after taking CE, submit 5 patient records for the Board to review.
    - 6 hours of Board approved CE's in ophthalmology care
    - Reimbursement of administrative cost
      - Paid reimbursement on June 27, 2018

- d) Case No.1217A (Original complaint received 12/07/17 18 months - 6/07/19)
- 6-month letter was sent June 4, 2018.
  - The complaint committee discussed the informal conference held September 7, 2018 and discussed reconsideration of disciplinary.
  - **Ms. Long** motioned that upon further review and consideration, including the informal conference, not to proceed with disciplinary action; seconded by **Dr. Berkeley**. Because the Respondent is an employee of **Dr. Meade**, **Dr. Meade** recused herself and left the room during discussion and motion. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- e) Case No.1217B (Original complaint received 12/07/17 18 months - 6/07/19)
- 6-month letter was sent June 4, 2018.
  - **Ms. Long** motioned to revise the previous Statement of Charges and the Consent Agreement and also approved hiring an expert witness if the case goes to a hearing; seconded by **Dr. Berkeley**. Because the Respondent is an employee of **Dr. Meade**, **Dr. Meade** recused herself and left the room during discussion and motion. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- f) Case No.1217C (Original complaint received 12/07/17 18 months - 6/07/19)
- 6-month letter sent June 4, 2018
  - **Ms. Long** motioned to revise the previous Statement of Charges and the Consent Agreement and also approved hiring an expert witness if the case goes to a hearing; seconded by **Dr. Berkeley**. Because the Respondent is an employee of **Dr. Meade**, **Dr. Meade** recused herself and left the room during discussion and motion. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- g) Case No.1217D (Original complaint received 12/07/17 18 months - 6/07/19)
- 6-month letter was sent June 4, 2018.
  - **Ms. Long** motioned to revise the previous Statement of Charges and the Consent Agreement and also approved hiring an expert witness if the case goes to a hearing; seconded by **Dr. Berkeley**. Because the Respondent is an employee of **Dr. Meade**, **Dr. Meade** recused herself and left the room during discussion and motion. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- h) Case No.1217E (Original complaint received 12/26/17 18 months - 6/26/19)
- 6-month letter was sent June 18, 2018.
  - **Dr. Berkeley** motioned to further investigate; seconded by **Dr. Peery**. Motion carried.
- i) Case No.0218A Dr. Kathryn Walker (Original complaint received 02/08/2018 18 months - 8/08/19)
- Consent Agreement and Order was signed June 27, 2018.
  - Within 6 months of Consent Agreement and Order (December 27, 2018)
    - 6 hours of Board approved CE's in record keeping or documentation
      - Within 6 months after taking CE, submit 5 patient records for the Board to review.
    - 3 hours of Board approved CE's in gastroenterology, including gastrointestinal obstruction
- j) Case No. BVMCE0418 CE Audit – Dr. Garrett Call
- Consent Agreement and Order was signed June 20, 2018.
  - Fine of \$300.00
    - Paid fine on June 27, 2018
  - Submit to a CE audit for 2018
- k) Case No.0418A (Original complaint received 04/10/2018 18 months- 10/10/19)
- 6-month letter was sent October 2, 2018.
  - **Dr. Berkeley** motioned to find no probable cause; seconded by **Dr. Moore**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- l) Case No.0518A (Original complaint received 05/02/2018 18 months - 11/02/19)
- **Dr. Berkeley** motioned to find probable cause and to submit Statement of Charges and Consent Agreement; seconded by **Dr. Moore**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- m) Case No.0618A (Original complaint received 06/04/2018 18 months - 12/04/19)
- **Dr. Berkley** motioned not to find probable cause; seconded by **Dr. Moore**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.

- n) Case No.0618B (Original complaint received 06/18/2018 18 months - 12/18/19)
  - **Dr. Berkeley** motioned to find probable cause and to submit Statement of Charges and Consent Agreement; seconded by **Ms. Patton**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- o) Case No.0718A (Original complaint received 07/30/2018 18 months - 01/30/20)
  - **Dr. Berkeley** motioned not to find probable cause; seconded by **Dr. Peery**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.
- p) Case No.0818A (Original complaint received 08/13/2018 18 months - 02/13/20)
  - Since the Respondent's response is still pending, this case will be discussed at the next Board meeting.
- q) Case No.0918A (Original complaint received 09/07/2018 18 months - 03/07/20)
  - **Dr. Moore** motioned not to find probable cause; seconded by **Dr. Berkeley**. The small animal complaint committee left the room and recused themselves from the vote. Motion carried.

#### V. Approval of Minutes

- a) **Dr. Moore** motioned to approve the June 1, 2018 minutes; seconded by **Dr. Berkley**. Motion carried.

#### VI. Reports

- a) The board accepted and reviewed the treasurer's report and itemized object codes which will be filed for auditing purposes.
- b) **Ms. Long** motioned to approve the P-Card charges for P-Card charges May 9 – September 16, 2018; seconded by **Ms. Meadows**. Motion carried.
- c) The board reviewed the 2<sup>nd</sup> – 4<sup>th</sup> quarter 2018 to date facility inspection reports.
- d) The Disciplinary Committee and Keith Fisher, attorney, met via teleconference call on September 4, 2018 at 9:00am to discuss a pending informal conference.
- e) The Disciplinary Committee met on October 15, 2018 at 8:00am.
- f) The Board reviewed the AAVSB Report.
- g) Trish, Dr. Wilson and Ms. Long discussed topics from the AAVSB Conference – September 13-15, 2018
  - Some jurisdictions only provide electronic applications, renewals, and renewal notifications.
  - Some jurisdictions only provide electronic verifications; while some jurisdictions aren't even providing electronic and the Board's have to verify by confirming on the jurisdiction website.
  - The Vault is provided by AAVSB.
  - Submitting licensee information to AAVSB regularly.
  - Ask licensee if they prefer paper or email; then only mail to the ones that prefer mail.
  - Public info- do billboards and public service announcements.
  - Using cease and desist letters for non-licensees.
  - Create policy for disruptive attendees at meetings.
  - Add statistics to Executive Director report.
  - MN has a program instead of entering owner information for CSMP; they enter animal chip.
  - Because of HIPPA, NE cannot look up patients nor people in the CSMP.
  - ICVA offers a species exam for disciplinary for \$400.
  - Student liaison can communicate to students.
  - PA, umbrella board, currently is permitted 6 weeks to process mail. If an electronic document is sent to them and it provides an additional step, these documents are also held.
  - Practice Act Module Act - problems with telemedicine
  - VCET
  - Shared database
- h) The Board discussed the CAET approved drugs and educational handouts that was created by Dr. Meade's students.
  - CAET's were having issues finding whole sale distributors.
  - After sending out an email blast to the CAET's, a whole sale distributor where controlled substances can be ordered without having a veterinarian was found.
  - One of the new Board approved sedation drugs, Telazol, is a schedule III and CAET's were only permitted for Schedule II.
  - After working with the DEA and the WV Board of Pharmacy, the CAET's were sent instructions on how to add Schedule III to their DEA permit.
- i) The Board reviewed the mobile quarterly reports.

- j) The PERD audit began in April and Trish has been advised that it will be completed in November to be ready for the December legislature interim meeting.
- k) The Board discussed Big Picture enhancements that have been completed and pending. Big Picture's warranty contract will expire on April 14, 2019 and Trish will need to do a "Direct Award" for bids for extended warranty year.
- l) The Board discussed the DEA Practitioner Awareness Conference – September 29 & 30, 2018. Dr. Wilson, Dr. Meade, Dr. Ayers, Ms. Patton, Ms. Meadow, Mike Leland, Inspector, and Keith Fisher, Attorney attended.
  - The Board discussed an email from Bobby Otero, DEA, with concerns for HIPPA concerns when searching the CSMP database.
  - The Board discussed an email from Ronald Carico regarding his request to investigate the legal and procedural issues with mail order pharmacies.
  - Questions about carrying controlled substances across state line.
  - Disposal of narcotics
  - Reverse list distributors for disposing of drugs
- m) Executive Director Report
  - The Board reviewed the applications and renewals approved by Executive Director and statistics from May 24 – September 30, 2018.
  - Per Rule changes, effective July 1, 2018, criminal background checks were required for Veterinarians and CAET's.
    - July – September, we were required to do fingerprints manually on fingerprint cards because Indentigo was going through a software transition which caused many delays with getting background checks.
    - Effective October 1, 2018, we went live with electronic fingerprinting in WV and the process is extremely faster.
    - The Board discussed the Board approved background check policies.
  - Trish worked with Roy McCallister, Threat Preparedness/Response Office and Dr. Warren Hess, AVMA, and helped created an EMAC Presentation for Emergency Applicants. The focus was on credentialed veterinarians responding to an official request after a Governor's Emergency. There were representatives from many states.
  - Online renewal began October 1; however, we've had several issues and we are working with Big Picture to correct them.
  - Doreen's computer had to be swiped clean and reset causing the share drive that we shared to be deleted. It was last backed up in March. We are currently now only sharing daily backed up files. There are headaches with this because we cannot print nor scan to your computers when we are logged into the shared drives.
  - Trish met with InLumon, software/website company, that is interested in doing work in WV. InLumon also did a presentation for the WV Licensing Board Association.
  - Trish attended the P-Card Training October 2-5, 2018.
    - Agency delivery orders in OASIS are now required for all statewide contracts including Office Depot.
    - Trish has worked with OASIS to have a hands on training for all the Boards.
    - The "advanced" track of the training which included the Director of purchasing and executives discussing concerns and issues was very beneficial.
    - A course for only Boards and Commissions was very informative and the Boards shared their frustrations and concerns.
    - Purchasing contacts from other state agencies were made during the round table session that could assist with more complicated purchasing. Trish also learned of a WV Chapter of NIGP where committee members meet and discuss purchasing.
    - Getting bids for Court Reporters/Administrative Law Judges were discussed.
    - Verbal bids increased from \$2500 - \$10,000

**VII.** There were no Questions for the Board to Answer.


**VIII. New Business**

- a) **Dr. Berkeley** motioned that the Board is aware of increase of workload of ambulatory inspections expected in the future and the Board will discuss a salary increase at a future meeting; seconded by **Dr. Meade**. Motion carried.
- b) **Dr. Moore** motion to follow DEA schedule of drugs for Tremadol and that it is considered a synthetic opioid. **Ms. Patton** seconded. Motion carried.
- c) **Dr. Berkeley** motioned that we will not eliminate heart sticks since they may be used as a last resort; seconded by **Ms. Patton**. **Dr. Meade** left prior to the vote. Motion carried.
- d) **Dr. Berkeley** motioned to revise the expired application policy to accept CE's within the recent 2 years as long as it totals 36 hours; seconded by **Ms. Meadows**. **Dr. Meade** left prior to the vote. Motion carried.
- e) **Ms. Patton** motioned that inactive renewal fee is \$75.00 each renewal year and in order to reactive an inactive license, they must provide proof of Board approved CE's for a maximum of 2 years of the most recent years. **Ms. Long** seconded. **Dr. Meade** left prior to the vote. Motion carried
- f) **Dr. Berkeley** motioned that if a board meeting is 100 miles or more a second night of hotel can be paid; seconded by **Dr. Peery**. **Dr. Meade** left prior to the vote. Motion carried.
- g) The Board discussed CAET's expired drugs.
- h) **Ms. Long** motioned that the Board reviewed the list of veterinary specialties and acknowledged that this list is on the website and the specialist list needs to be reviewed at a Board meeting annually; seconded by **Dr. Berkeley**. **Dr. Meade** left prior to the vote. Motion carried.
- i) **Dr. Berkeley** motioned that we will continue to monitor the ambulatory inspection policy for out of state inspections and will make changes as needed; seconded by **Ms. Long**. **Dr. Meade** left prior to the vote. Motion carried.
- j) The Board discussed expectations for the complaint committee.
  - The complaint committee will come up with a complaint committee proposal to alter the Board's procedures to be more proactive.
  - Dr. Moore will also come back to the Board after taking the Board approved record keeping course online.
  - The board will look at offering a CE record keeping course free to licensees.
- k) **Ms. Meadows** motioned to approve the Legislature Regulatory Review as amended; seconded by **Ms. Patton**. **Dr. Meade** left prior to the vote. Motion carried.
- l) The Board discussed Strategy and Goals that were set January 4, 2018.
- m) **Ms. Long** motioned that Trish and Keith Fisher are permitted to attend the FARB meeting January 24-27, 2019; seconded by **Ms. Patton**. **Dr. Meade** left prior to the vote. Motion carried.
- n) Trish, Doreen, Dr. Wilson, Ms. Patton, will attended the Board Auditor Training – November 27, 2018.

**IX. The next Board meeting will be January 4, 2019 in Charleston, WV at 9:00 am.**

**X. The meeting was adjourned at 3:32 pm.**

Approved by:



Monica R. Patton, RVT

Secretary-Treasurer