

DRAFT

**Minutes
Alabama State Board of
Veterinary Medical Examiners Meeting
8100 Seaton Place – Suite A
Montgomery Alabama 36130-5330
June 26th, 2020**

VIRTUAL BOARD MEETING



ALABAMA STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
8100 Seaton Place – Suite A
Montgomery Alabama 36130-5330

MINUTES
Virtual Board Meeting
June 26th, 2020

The Alabama State Board of Veterinary Medical Examiners held its Virtual Board Meeting on Friday June 26th, 2020 at the ASBVME Office in Montgomery, Alabama, in order to conduct board business.

9:30 a.m. Meeting was called to order by the elected President Dr. Thomas Branch with the following members in attendance: Mrs. Anne Athey Payne, Mrs. Guyanne Harris, Dr. Margaret Ferrell, Dr. William Berry, Dr. William G. Bledsoe, Dr. David Tyree, and Dr. Thomas Branch. Also, in attendance were Tammy S. Cargile, Executive Director, Olivia Martin, Assistant Attorney General, Tina Hammonds, Assistant Attorney General, David Phillips, Executive Assistant, Dale O'Banion, Inspector for the Board. Dr. Mickey Golden was absent from this meeting

* Dr. William Berry came to the ASBVME Office in order to participate in the ASBVME Virtual Board Meeting.

***A Quorum was present, copy of meeting publication attached.*

Guests that called into the virtual board meeting: Dr. Jose Hernandez Cruz

Mrs. Anne Athey Payne served as Parliamentarian over this meeting.

The meeting was advertised on the Board's web site, www.asbvme.alabama.gov, and on the Secretary of State's web site, www.sos.alabama.gov, in compliance with the Alabama Open Meetings Act.

Roll Call

Dr. Thomas Branch – In Attendance
Mrs. Anne Athey Payne – In Attendance
Dr. Margaret Ferrell – In Attendance
Mrs. Guyanne Harris – In Attendance
Dr. William Berry - In Attendance
Dr. William Bledsoe - In Attendance
Dr. David Tyree – In Attendance
Dr. Mickey Golden – Absent

Agenda

-

June 26th, 2020

(Exhibit 1)

Mrs. Harris made a motion to approve the agenda.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Mrs. Anne Payne – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Minutes

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December 11^h, 2019

(Exhibit 2)

Dr. Berry made a motion to approve the December 11th, 2019 ASBVME Board Minutes.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Mrs. Anne Payne – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Financial(s)

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**November 2019, December 2019, January 2020,
February 2020, March 2020, April 2020 and
May 2020**

(Exhibit 3 & 9)

Dr. Ferrell made a motion to approve the financial reports as presented.

Dr. Bledsoe seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Mrs. Anne Payne – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

ASBVME – Business

Dr. Jerome Williams

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Wellness Report

Wellness report for Board Information only.

Mrs. Guyanne Harris

-

**Ongoing Issues of Assistants Being
Called Veterinary Technician**

(Exhibit 10)

Dr. Branch gave Ms. Cargile a directive to place Mrs. Harris' letter in the upcoming newsletter.

Dr. Robin Embry

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**Request to Be Exempt from
Continuing Education Requirements**

(Exhibit 11)

Dr. Bledsoe made a motion to exempt Dr. Robin Embry from Continuing Education requirements due to his age and the fact that he is not actively practicing veterinary medicine, as stated in Statute §34-29-75.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Mrs. Anne Payne – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Dr. Enrique Carlo - **New Diagnostic Imaging Center?**
(Exhibit 12)

No action was taken at this time.

Dr. Roy Moring - **EMS of Cullman**
(Exhibit 13)

Mrs. Harris made a motion to allow Dr. Moring to train the correct techniques and procedures to the EMS workers of Cullman so that they may administer Narcan, Apomorphine and IV fluids to the Police Drug Dogs only in emergency situations.

Dr. Berry seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Nay
Mrs. Anne Payne – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

The motion was passed with a 6 to 1 vote.

**Mrs. Payne was unable to continue with the Virtual Board Meeting.*

***Olivia Martin, the Assistant Attorney General for the Board, advised the ASBVME Board that to be in accordance with the Code of Alabama 1975, Open Meetings Act. Section 36-25A-7 that the Board should consider entering Executive Session to discuss the good name and character of an individual and complaint cases.*

10:06 a.m. Dr. Ferrell made a motion to enter into Executive Session to discuss the good name and character of an individual and complaint cases until approximately 12:00 p.m.

Mrs. Harris seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

10:58 a.m. Dr. Berry made a motion to retire from Executive Session.

Mrs. Harris seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

The following **Complaint Cases** were presented for resolution:

Case: #20-WGB-874*

*** Filed by Case # in the Complaint Files.**

Dr. Bledsoe presented this case for resolution. Dr. Bledsoe, after a thorough investigation of this complaint finds that Dr. "H" and his/her staff did make disparaging remarks regarding another veterinarians' course of treatment which is a direct violation of the Practice Act. Dr. Bledsoe is recommending to the ASBVME Board that a Letter of Concern be sent to Dr. H regarding refraining from such remarks in the future.

Dr. Ferrell made a motion to accept Dr. Bledsoe's recommendation.

Mrs. Harris seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #19-MHF-865*

** Filed by Case # in the Complaint Files.*

Dr. Ferrell presented this case for resolution. Dr. Ferrell, after a thorough investigation of this complaint case finds that Dr. “A” did not violate the Alabama Practice Act nor was the standard of care breached. Dr. Ferrell is recommending to the ASBVME Board to dismiss this case with no further action to be taken.

Dr. Bledsoe made a motion to accept Dr. Ferrell’s recommendation.

Dr. Tyree seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #20-MHF-871*

** Filed by Case # in the Complaint Files.*

Dr. Ferrell presented this case for resolution. Dr. Ferrell, after a thorough investigation of this complaint case finds that Dr. “S” and Animal Emergency & Critical Care violated the Alabama Practice Act and the standard of care was breached. Feline patient was a diabetic and was unable to breath and was not given immediate attention upon arrival at the facility. Dr. Ferrell is recommending to the ASBVME Board that a Consent Agreement with an Administrative Fine of \$1,000.00 be issued to Dr. “S” and Animal Emergency & Critical Care.

Dr. Bledsoe made a motion to accept Dr. Ferrell’s recommendation.

Dr. Berry seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #20-MHF-870*

*** Filed by Case # in the Complaint Files.**

Dr. Ferrell presented this case for resolution. Dr. Ferrell, after a thorough investigation of this complaint case finds that Dr. “R” and Dr. “T” did not perform or follow up on diagnostic test in which the client requested and was quoted a price for. Dr. “R” and Dr. “T” should have communicated better with the client and also among themselves. Dr. Ferrell is recommending to the ASBVME Board to send a Letter of Concern to Dr. “R” and Dr. “T” as well as to Animal Emergency & Critical Care regarding better client communication as well as better follow up regarding treatment with clinic’s medical staff.

Dr. Berry made a motion to accept Dr. Ferrell’s recommendation.

Dr. Tyree seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #20-WTB-875*

*** Filed by Case # in the Complaint Files.**

Dr. Berry presented this case for resolution. Dr. Berry after a thorough investigation of this complaint case finds that Equine Dentist, Brian Potter is in direct violation of the Alabama Practice Act and Administrative Code, and is recommending to the ASBVME Board that a Cease and Desist be sent to Mr. Potter, and if his actions persist then it could result in criminal charges.

Dr. Bledsoe made a motion to accept Dr. Berry’s recommendation.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #19-WTB-869*

*** Filed by Case # in the Complaint Files.**

Dr. Berry presented this case for resolution. Dr. Berry after a thorough investigation of this complaint case finds that Dr. “N” did not violate the Alabama Practice Act and Administrative Code, nor was the standard of care breached. Dr. Berry is recommending to the ASBVME Board that a Letter of Concern be sent to Dr. “N” regarding better record keeping, that every patient needs to have its own record no matter if they are all owned by the same client.

Mrs. Harris made a motion to accept Dr. Berry’s recommendation.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

****Dr. Thomas Branch passed the gavel to the Dr. William Bledsoe.***

Case: #19-TCB-855*

*** Filed by Case # in the Complaint Files.**

Dr. Branch presented this case for resolution. Dr. Branch, after a thorough investigation of this complaint finds that Dr. “J” did not violate the Alabama Practice Act, nor was the standard of care breached. Dr. Branch is recommending to the Board that this case be dismissed with no further action to be taken.

Dr. Berry made a motion to accept Dr. Branch’s recommendation.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #19-TCB-868*

** Filed by Case # in the Complaint Files.*

Dr. Branch presented this case for resolution. Dr. Branch, after a thorough investigation of this complaint finds that Dr. “E” did not violate the Alabama Practice Act, nor was the standard of care breached. Dr. Branch is recommending to the Board that this case be dismissed with no further action to be taken.

Dr. Berry made a motion to accept Dr. Branch’s recommendation.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Case: #20-TCB-872*

** Filed by Case # in the Complaint Files.*

Dr. Branch presented this case for resolution. Dr. Branch, after a thorough investigation of this complaint finds that Blue Ridge Animal Clinic did not violate the Alabama Practice Act, nor was the standard of care breached. Dr. Branch is recommending to the Board that this case be dismissed with no further action to be taken.

Dr. Berry made a motion to accept Dr. Branch’s recommendation.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Dr. Jose L. Hernandez Cruz

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DVM Application

(Exhibit 15)

Dr. Bledsoe made a motion to grant Dr. Hernandez Cruz his DVM license once he has complied and satisfied Dr. Jerome Williams' Wellness Evaluation.

Dr. Berry seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Dr. William Berry

-

**State of Alabama Board Member
Pay for Other Regulatory Boards**

(Exhibit 16)

Dr. Berry made a motion to allow Olivia Martin, the ASBVME's Assistant Attorney General to draft language for the Alabama Practice Act and Administrative Code that would allow compensation to be adjusted for each day a board member is engaged in board business.

Dr. Bledsoe seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

(Exhibit 17)

Dr. Bledsoe made a motion to move forward with allowing Alabama Interactive's proposal for services, which would place all license renewal, as well as the initial licensing process all online to streamline licensing of new professionals as well as yearly renewals

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

(Exhibit 18)

This is for Board Information only. No action taken at this time.

(Exhibit 19)

Dr. Berry made a motion that Continuing Education for Veterinarians for the calendar year 2020 be obtain through either online or in person attendance, CE does not have to be R.A.C.E. approved but does have to be in veterinary medicine. This exception will only be for the calendar year 2020 and will remain in effect even if the Governor lifts the emergency social distancing situation due to the COVID-19 epidemic. This exception is only for 2020 not 2021.

Dr. Ferrell seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

DVM's & LVT's

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Did Not Renew License for 2020

(Exhibit 20 & 21)

This is for information only. No action taken at this time.

Olivia Martin

-

Military Jobs Ruling

(Exhibit 22 & 23)

Dr. Bledsoe made a motion to move forward with Olivia Martin's proposed Military Jobs Ruling.

Dr. Berry seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

**Huntsville Animal Services
(Huntsville Humane Society)**

-

Premises Permit Inspection

(Exhibit 24)

Dr. Ferrell made a motion to move forward with the inspection for the Huntsville Animal Services (Huntsville Humane Society), they would like to perform spay and neuter's on Humane Society Animals only, and not for the public.

Dr. Berry seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Dr. Berry made a motion to pay the Board Members for their work today.

Dr. Bledsoe seconded the motion a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

Dr. Berry made a motion to adjourn from the ASBVME's Virtual Board Meeting

Dr. Tyree seconded the motion and a roll call vote was called for by Dr. Thomas Branch, President.

**Olivia Martin, the Assistant Attorney General for the Board, certified that this motion was made in a virtual board meeting in order to meet the essential functions of the ASBVME Board during the COVID-19 epidemic.*

Dr. Thomas Branch – Yay
Dr. William Berry – Yay
Dr. Margaret Ferrell – Yay
Mrs. Guyanne Harris – Yay
Dr. William Bledsoe – Yay
Dr. David Tyree – Yay

2:00 p.m. Adjourn

Tammy S. Cargile
Executive Director

Dr. Thomas C. Branch
President