

8/13/2014

DRAFT

Minutes

**Alabama State Board of
Veterinary Medical Examiners Meeting
8 Commerce Street – Suite 910
Montgomery, AL 36130-5330
August 9th, 2014**



**ALABAMA STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
8 Commerce Street – Ste 910
Montgomery, AL 36104**

**MINUTES
Board Meeting
Saturday August 9th, 2014**

The Alabama State Board of Veterinary Medical Examiners met Saturday August 9th, 2014 at the Wynfrey Hotel in Birmingham, Alabama in conjunction with the Southern Veterinary Conference, in order to conduct board business.

8:12 a.m. Meeting was called to order by the President Dr. Robert E. Pitman with the following members in attendance: Dr. Sam Eidt, Dr. Thomas C. Branch, Dr. Mickey Golden, Mrs. Guyanne Harris, Mrs. Anne Athey Payne, and Dr. Patrick. Also in attendance were Tammy S. Cargile, Executive Director, Mark G. Montiel, Boards Legal Counsel, David Phillips and Dale O'Banion Boards Compliance Officers.

**A Quorum is present, copy of meeting publication attached. Dr. Robert Martin was absent from this Board Meeting.*

Dr. Sam Eidt served as Parliamentarian over this meeting.

Numerous guest were present.

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. Robert Pitman – In Attendance
Dr. Sam Eidt – In Attendance
Dr. Patrick Trotter – In Attendance
Mrs. Guyanne Harris – In Attendance
Mrs. Anne Athey Payne – In Attendance
Dr. Robert Martin – **Absent**
Dr. Thomas C. Branch – In Attendance
Dr. Mickey Golden – In Attendance

ASBVME – Report Review

Minutes - **July 8th, 2014**

(Exhibit 1)

Dr. Branch made a motion to accept the minutes as presented.
Dr. Eidt seconded the motion and it passed unanimously.

**Dr. Eidt took over the Board Meeting for the approval of the June 11th, 2014 ASBVME Board Meeting Minutes.*

Financial Report - **June & July, 2014**

(Exhibit 2 & 3)

Dr. Branch made a motion to accept the Financial Report as presented

Dr. Trotter seconded the motion and it passed unanimously.

Agenda - **April 2nd, 2014**

(Exhibit 4)

Dr. Eidt made a motion to approve the Agenda for August 9th, 2014 as presented.

Dr. Branch seconded the motion and it passed unanimously.

ASBVME – Business

8:15 a.m. Dr. Jerome Williams

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Wellness Report (Exhibit 5)

Dr. Williams reported to the ASBVME Board that he presented the Wellness Program and what the entails to the veterinary students at Auburn University, College of Veterinary Medicine on Friday, August 8th, 2014. Had a great reception, when speaking with the students. Dr. Williams is in contact with Dr. Ruby Perry at Tuskegee University, School of Veterinary Medicine, and is in hopes to be able to obtain an audience with the veterinary students at Tuskegee in the near future.

**Mr. Montiel, the Board's Legal Counsel 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 needed to enter into Executive Session to discuss Complaint Cases.*

8:39 a.m. Dr. Eidt made a motion to enter into Executive Session to discuss Complaint Cases until approximately 12:00 p.m.

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

Dr. Sam Eidt – Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden – Yea
Mrs. Guyanne Harris - Yea
Mrs. Anne Athey Payne – Yea
Dr. Patrick Trotter -Yea
Dr. Robert Pitman - Yea

***Dr. Robert Martin was absent from this Board Meeting.**

11:22 a.m. Dr. Branch made a motion to retire from Executive Session.

Dr. Eidt seconded the motion and it was unanimously approved by the Board.

Dr. Clarence M. Glenn - Petitioning Board to Reinstate His DVM License

Dr. Glenn along with his attorney appeared before the ASBVME Board to ask for the ASBVME Board to reinstate Dr. Glenn's DVM License, Premise Permit and State Control Substance Registration Number. Dr. Glenn's DVM License, Premise Permit and SCSR has been on revoked due to disciplinary actions.

Dr. Glenn and his attorney presented to the ASBVME Board a doctors release, stating that Dr. Glenn is able to return to work after his ruptured aorta and kidney failure (which was due to the ruptured aorta). Dr. Glenn's physician has stated that Dr. Glenn is not to perform anything to strenuous.

Dr. Glenn stated to the ASBVME Board that if allowed to return to practice he will only be performing vaccination and a few spay/neuter surgeries, his health will not allow him to do anything strenuous.

Dr. Glenn understands that he will have to obtain CE for the years in which he was not practicing and his license was revoked until now. Dr. Glenn will also be monitored closely and will have continuous drop in inspections in which he will have to pay the Board for.

Dr. Branch made a motion for Ms. Cargile to gather the Final Order that was presented to Dr. Glenn upon revocation of his license, and also gather information from the DEA and present it to the ASBVME Board at the October 22, 2014 Board Meeting.

Dr. Eidt seconded the motion and it was unanimously approved.

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

Case: # 14-TCB-679*

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

Dr. Branch presented this case for resolution. Dr. Branch reviewed this case and spoke with this Boarding Facility regarding their practicing veterinary medicine without a license to do so. The Board Facility told Dr. Branch that they did not realize that they were breaking the law, and would stop immediately, after making several anonymous phone calls to this Board Facility, Dr. Branch has found

that they have indeed stopped practicing veterinary medicine on their boarded animals. Dr. Branch is recommending to the Board that this case be dismissed with no further charge, but does ask that a Letter of Concern be sent to the Board Facility along with copies of the laws out of the Practice Act that states what these unlicensed individuals were doing is against the law in Alabama.

Dr. Trotter made a motion to accept Dr. Branch's recommendation to dismiss this case with no further action and a Letter of Concern to be mailed to this Board Facility.

Dr. Golden seconded the motion and it was unanimously approved by the Board.

Case: # 14-TCB-800*

* Filed by Case # in the Complaint Files.

Dr. Branch presented this case for resolution. Dr. Branch reviewed this case and spoke with this Boarding Facility regarding their practicing veterinary medicine without a license to do so. The Board Facility told Dr. Branch that they did not realize that they were breaking the law, and would stop immediately, after making several anonymous phone calls to this Board Facility, Dr. Branch has found that they have indeed stopped practicing veterinary medicine on their boarded animals. Dr. Branch is recommending to the Board that this case be dismissed with no further action, but does ask that a Letter of Concern be sent to the Board Facility along with copies of the laws out of the Practice Act that states what these unlicensed individuals were doing is against the law in Alabama.

Mrs. Payne made a motion to accept Dr. Branch's recommendation to dismiss this case with no further action and a Letter of Concern to be mailed to this Board Facility.

Dr. Golden seconded the motion and it was unanimously approved by the Board.

Case: # 12-WRW-591*

* Filed by Case # in the Complaint Files.

***Dr. Robert Pitman, recused himself from voting and from the discussion of this case in Executive Session, because of the knowledge he had of this case. Dr. Pitman stepped out of the room while this case was being discussed.*

****This case was originally assigned to Dr. Ronal Welch back in 2012, Dr. Welch did not present this case for resolution during his term on the Board, and the Executive Director, Ms. Cargile reassigned to Dr. Eidt for investigation and resolution.*

Dr. Eidt presented this case for resolution. Dr. Eidt reviewed this case and found that Dr. "A" in treating and adopting out the feline did not violate the Alabama Practice Act nor did Dr. "A" breach the standard of care. Dr. Eidt is recommending to this Board that this case be dismissed with no further action.

Dr. Branch made a motion to accept Dr. Eidt's recommendation to dismiss this case with no further action.

Dr. Trotter seconded the motion and it was unanimously approved by the Board.

Case: # 13-REP-638 & 13-REP-639*

* Filed by Case # in the Complaint Files.

***Dr. Mickey Golden, recused himself from voting and from the discussion of these cases in Executive Session, because of the knowledge he had of these cases. Dr. Golden stepped out of the room while these cases were being discussed.*

Dr. Pitman presented these two cases for resolution, that were submitted by the same complainant on two of his/her pets that are extremely similar medically and medical treatment was similar. Dr. Pitman reviewed this case and found that Dr.'s did everything medically possible for these two felines for many, many years to prolong their lives. Dr. Pitman is recommending to this Board that this case be dismissed with no further action.

Mrs. Harris made a motion to accept Dr. Pitman's recommendation to dismiss this case with no further action.

Dr. Branch seconded the motion and it was unanimously approved by the Board.

Case: # 14-REP-670*

* Filed by Case # in the Complaint Files.

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case and found that Dr. "B" did not violate the Practice Act and that there was no breach in the standard of care that was given. Dr. Pitman is recommending to this Board that this case be dismissed with no further action.

Dr. Golden made a motion to accept Dr. Pitman's recommendation to dismiss this case with no further action.

Dr. Trotter seconded the motion and it was unanimously approved by the Board.

Case: # 12-WRW-600*

* Filed by Case # in the Complaint Files.

***This case was originally assigned to Dr. Ronal Welch back in 2012, Dr. Welch did not present this case for resolution during his term on the Board, and the Executive Director, Ms. Cargile reassigned to Dr. Pitman for investigation and resolution.*

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case and found that after speaking with experts in exotic pets and rodents that Dr. "C" did not violate the Practice Act nor did Dr. "C" breach the standard of care when treating and operating on a rodent which was a patient of Dr. "C". Dr. Pitman is recommending to this Board that this case be dismissed with no further action.

Dr. Golden made a motion to accept Dr. Pitman's recommendation to dismiss this case with no further action.

Dr. Branch seconded the motion and it was unanimously approved by the Board.

Case: # 14-REP-674A*

* Filed by Case # in the Complaint Files.

***Dr. Mickey Golden, recused himself from voting and from the discussion of this case in Executive Session, because of his business relationship with the respondent . Dr. Golden stepped out of the room while these cases were being discussed.*

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case and found during his investigation that Dr. “Z” and Dr. “B” and Mrs. “A” and Facility “Q” broke numerous laws in the Alabama Practice Act:

- Dr. “Z” and Dr. “B” allowed unlicensed assistance to administer control drugs to patients. Which is also a direct violation to the Federal Law C.F.R. 21.
- Non- veterinarian supervising the DVM’s during surgeries.
- The unlicensed assistance had absolutely no supervision what so ever.

Dr. Pitman is recommending to this Board that Formal Charges be brought against Dr. “Z”, Dr. “B”, Mrs. “A” and Facility “Q”. Dr. Pitman is also recommending that this Board instruct the Board’s Legal Counsel, Mr. Montiel to proceed with issuing the Administrative Complaint with the Formal Charges.

Mrs. Payne made a motion to accept Dr. Pitman’s recommendation that this Board direct the ASBVME’s Legal Counsel to proceed with issuing the Administrative Complaint with the Formal Charges that have been discussed and voted on.

Dr. Trotter seconded the motion and a Roll Call vote was taken;

Dr. Edit – Yea

Dr. Branch – Yea

Mrs. Harris – Yea

Mrs. Payne – Yea

Dr. Trotter – Yea

***Dr. Robert Martin was absent from this Board Meeting**

**** Dr. Golden recused himself from the discussion of this complaint case and from voting.**

1:30 p.m. Mr. Douglas Hancock - Mobile County Animal Shelter (Exhibit 6)

Ms. Donna Jones actually attended the ASBVME Board Meeting in the absence of Mr. Hancock to represent the Mobile County Animal Shelter. Ms. Jones is asking permission from the ASBVME Board to allow the Mobile County Animal Shelter to contract with a DVM and one LVT, to help ensure that the Mobile County Animal Shelter is in compliance with State, and Federal Regulations. The Contract DVM will also perform vaccinations and oversee the staff that works with the animals. The Contract DVM will not perform any surgeries at the Mobile County Animal Shelter. Ms. Jones stated that they contract out with other veterinarians and their veterinary clinics in Mobile County to take the Shelter Animals to, in order to perform any surgeries.

Dr. Pitman stated to Ms. Jones that the ASBVME Board will discuss and will have an answer at the October 22, 2014, ASBVME Board Meeting.

Dr. Brandon J. Cash - Greater Birmingham Humane Society (Exhibit 7)

Dr. Cash has come before the ASBVME Board to ask for permission to have a premise inspection so that he may obtain a premise permit for the Greater Birmingham Humane Society which was previously held by Dr. Desiree Davis, until June, 2014. Dr. Desiree Davis came to the ASBVME Board Meeting last August, in Birmingham to ask for a premise permit be issued to her for the Greater Birmingham Humane Society. Dr. Desiree Davis is no longer performing veterinary medicine at Greater Birmingham Humane Society.

Dr. Cash has stated the following to the ASBVME Board at the August 9th, 2014 ASBVME Board Meeting in Birmingham, Alabama;

- Dr. Cash began working at the Greater Birmingham Humane Society of July 24th, 2014
- Dr. Cash as of August 11th, 2014 is the Interim Executive Director until a new one is hired for the Greater Birmingham Humane Society.
- There are 14 Board Member at the Greater Birmingham Humane Society, 2 of which are veterinarians, according to Dr. Cash.
- Dr. Cash, states that he will only be performing veterinary medicine on surrendered pets only that belong to Greater Birmingham Humane Society.
- Dr. Cash, also stated that he, himself will be responsible for hiring and firing all of the medical staff, which will include LVT's and lay personnel for medical purposes.
- Dr. Cash, stated that he keeps his own Liability Insurance.
- Dr. Cash, stated that less than 4% of the animals that are adopted out are brought back to Greater Birmingham Humane Society.
- Dr. Cash, also stated that the Greater Birmingham Humane Society only receives money from donations and that this shelter is privately owned.
- Dr. Cash, specifically stressed the point that he will only be performing veterinary medicine on surrendered animals that are brought to Greater Birmingham Humane Society.

Dr. Pitman stated to Dr. Cash that the ASBVME Board will discuss and will have an answer at the October 22, 2014, ASBVME Board Meeting.

Administrative Law Judge - Judge James Jerry Wood

Dr. Trotter made a motion that the ASBVME Board appoint Judge James Jerry Wood as the Administrative Law Judge for the upcoming Administrative Hearing regarding Dr. Margaret Ferrell.

Dr. Branch seconded the motion and it was unanimously approved by the ASBVME Board.

***Dr. Robert Martin was absent from this Board Meeting**

AAVSB Annual Conference

Dr. Eidt made a motion to approve Dr. Robert Martin to attend the AAVSB's Annual Conference as the Delegate for Alabama.

Dr. Trotter seconded the motion and it was unanimously approved by the Board.

Dr. Eidt made a motion to approve Dr. Thomas C. Branch and Mr. Mark Montiel to attend the AAVSB Annual Conference and for the ASBVME Board to pay the AAVSB Conference Registration for Dr. Thomas C. Branch, and Mr. Mark Montiel. Dr. Branch and Mr. Montiel will be responsible for their own travel expense, hotel expense and per diem.

Dr. Trotter seconded the motion and it was unanimously approved by the Board.

New Faculty Application – Auburn University, CVM

Dr. Trotter made a motion to approve the New Faculty Application.

Dr. Golden seconded the motion and it was unanimously approved by the Board.

Dr. Branch made a motion to pay the Board Members for their expenses and adjourn.

Dr. Trotter seconded the motion and it was unanimously approved.

2:30 p.m. Adjourn

Tammy S. Cargile
Executive Director

Robert E. Pitman, DVM
President