

5/29/2014

**DRAFT**

**Minutes**

**Alabama State Board of  
Veterinary Medical Examiners Meeting  
8 Commerce Street – Suite 910  
Montgomery, AL 36130-5330  
May 27, 2014**



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

**DRAFT  
MINUTES  
Board Meeting  
Tuesday May 27th, 2014**

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The Alabama State Board of Veterinary Medical Examiners met Tuesday May 27<sup>th</sup>, 2014 at the Board Office in Montgomery, Alabama in order to conduct business.

Mrs. Nancy Pett served as Parliamentarian over the Board Meeting.

**1:30 p.m.** Meeting was called to order by the President Dr. Robert E. Pitman with the following members in attendance: Dr. Sam Eidt, Ms. Debbie Whitten, Mrs. Nancy Pett, Dr. Robert Martin, Dr. Patrick Trotter, Dr. Thomas C. Branch and Dr. Mickey Golden. Also in attendance were Tammy S. Cargile, Executive Director and Charles David Phillips, Field Compliance Officer, Dale W. O'Banion, Field Compliance Officer, Mark Montiel, Boards Attorney, and Jordan Speake, Mr. Montiel's Associate.

*\*A Quorum is present, copy of meeting publication attached.*

Guest present were: Mr. Bill Allen and Ms. Mindy Gilbert.

The meeting was advertised on the Board's web site, [www.asbvme.alabama.gov](http://www.asbvme.alabama.gov), and on the Secretary of State's web site, [www.sos.alabama.gov](http://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  
Ms. Debbie Whitten – In Attendance  
Mrs. Nancy Pett – In Attendance  
Dr. Robert Martin – In Attendance  
Dr. Thomas C. Branch – In Attendance  
Dr. Mickey Golden – In Attendance

## **ASBVME – Report Review**

**Minutes** - **March 5<sup>th</sup>, 2014 & April 2<sup>nd</sup>, 2014 (Exhibit 1 & 2)**

Dr. Pitman asked for a review of the minutes from the March 5<sup>th</sup> and April 2<sup>nd</sup>, 2014 meetings. Minutes were reviewed and discussed by the Board.

Dr. Eidt made a motion to accept the March 5<sup>th</sup>, 2014 minutes once they were amended.

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

Dr. Trotter made a motion to accept the April 2<sup>nd</sup>, 2014 minutes as presented.

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

The **Financial Report(s)** for March, 2014 & April, 2014 were reviewed and discussed by the Board. **(Exhibit 3 & 4)**

Dr. Trotter made a motion to accept the March, 2014 & April, 2014 Financial Report as presented.

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

**Review of the Agenda** **(Exhibit 5)**

1. Additions, Modifications, Reordering
2. Adoption of Agenda

Ms. Whitten made a motion to amend the agenda to add CET License and discussion regarding Dr. Neal.

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

## **ASBVME – Business**

**Dr. Jerome Williams** - **Reported on Wellness Committee and its participants.**

*The Boards Attorney, Mr. Mark Montiel warranted the Board that pursuant to the statutory requirements the Board needed enter into Executive Session to discuss matters of an investigation and complaint cases.*

**1:40 p.m.** Dr. Eidt made a motion to enter into Executive Session for the discussion of matters of an investigation and complaint cases until 3:16 p.m.

*Mark Montiel, a licensed attorney for the Alabama State Board of Veterinary Medical Examiners, certified that the reasons as stated in the motion are true and correct and are what will be discussed in Executive Session.*

Mrs. Pett seconded the motion and Dr. Pitman the President called for a roll call vote: Dr. Eidt, Yea, Ms. Whitten, Yea, Dr. Trotter, Yea, Dr. Martin, Yea, Dr. Branch, Yea, Dr. Golden, Yea, Mrs. Pett, Yea, and Dr. Pitman, Yea.

**3:16 p.m.** Mrs. Pett made a motion to retire from Executive Session.

Dr. Martin seconded the motion to retire from Executive Session and it was unanimously approved by the Board.

Dr. Branch made a motion for this Board to support Dr. Jerome Williams and the Wellness Committee regarding legal actions to Quash a subpoena issued to Dr. Williams by Mobile County.

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

**Case: # 14-SJE-664\***

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

Dr. Eidt presented this case for resolution. Dr. Eidt reviewed this case, and found that Dr. "A" did not inform client that he attempted to spay a male cat owned by complainant. Dr. Eidt found that Dr. "A" did not meet the Standard of Care that should have been given and is recommending a consent agreement be given to Dr. "A" with a private reprimand and a \$250.00 administrative fine, and also a Letter Of Concern to be sent with Consent Agreement to Dr. "A" stating that he needs to communicate more with his clients, and not give patient information to individuals who are not the owners of the patient.

Dr. Martin made a motion to accept Dr. Eidt's recommendation for a Consent Agreement and Letter of Concern to be issued to Dr. "A".

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

**Case: # 14-REM-659\***

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

Dr. Martin presented this case for resolution. Dr. Martin reviewed this case, and found that Dr. "B", did not breach the Standard of Care that was given to the patient, nor was there any violation to the Practice Act. Dr. Martin recommends that this case be dismissed with no further action.

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

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

**Case: # 14-REM-663\***

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

Dr. Martin presented this case for resolution. Dr. Martin reviewed this case, and found that Dr. "C", did not breach the Standard of Care that was given to the patient, nor was there any violation to the Practice Act. Dr. Martin recommends that this case be dismissed with no further action.

Dr. Edit made a motion to accept Dr. Martin'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-654\***

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

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case, and found that Dr. "D" did breach the Standard of Care which was given to this patient and Dr. Pitman found that Dr. "D" had violations to the Practice Act. Dr. Pitman is recommending that Dr. "D" receive a consent agreement with a private reprimand and a \$1,000.00 administrative fine for lack of standard of care and a \$1,000.00 administrative fine for negligence and incompetence and that Dr. "D" receive two (2) days of Surgical CE at Tuskegee University, School of Veterinary Medicine.

Dr. Trotter made a motion to accept Dr. Pitman's recommendation for a Consent Agreement and Administrative Fines.

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

**Case: # 13-REP-644\***

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

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case, and found that Dr. "E", did not breach the Standard of Care that was given to the patient, nor was there any violations to the Practice Act. Dr. Pitman recommends that this case be dismissed with no further action.

Dr. Branch 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: # 14-REP-669\***

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

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case, and found that Dr. “F” needs a mobile premise permit to issue vaccinations and micro-chipping away from his/her clinic. Dr. Pitman informed Dr. “F” that only Rabies Officers can issue Rabies Vaccines at a Rabies Clinic. Dr. Pitman telephoned Dr. “F” regarding the offsite micro-chipping clinic and the day clinic did not occur once Dr. “F” was informed what that she needed a Mobile Premise Permit to do such. Dr. Pitman recommends that this case be dismissed with no further action.

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

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

**Case: # 14-REP-665\***

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

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case, and found that the ASBVME Board has no jurisdiction regarding this complaint. Dr. Pitman recommends that this case be dismissed with no further action.

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

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

**Case: # 14-REP-655\***

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

Dr. Pitman presented this case for resolution. Dr. Pitman reviewed this case, and found that Dr. “G”, violated the Practice Act by not providing standard of care. Also Dr. “G’s” record were not kept as required by the Practice Act. Dr. Pitman recommends that a consent agreement be given to Dr. “G” , with a private reprimand and \$1,000.00 administrative fine for improper records, and \$1,000.00 administrative fine for euthanasia procedures, and two (2) unannounced inspections at least twice a year for two (2) years.

Dr. Trotter made a motion to accept Dr. Pitman’s for a Consent Agreement and Administrative Fines to be issued to Dr. “G”.

Mrs. Pett seconded the motion and it was unanimously approved by the Board.

**Attorney General’s Opinion**

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**For Information Only**

**(Exhibit 6)**

**New Graduate DVM Application - For Board Approval**  
**(Exhibit 7)**

Dr. Branch made a motion to let the new graduate take the Alabama State Board Jurisprudence Exam, and if he passes to grant him his Alabama DVM License.

Ms. Whitten seconded the motion and it was unanimously approved by the Board.

**New CET License Application - For Board Approval**  
**(Exhibit 8)**

Dr. Trotter made a motion that the Board consider licensing this individual once she has completed his/her CET Certification.

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

**Renewal of Inactive DVM License - For Board Approval**  
**(Exhibit 9)**

Dr. Branch made a motion to renew this Inactive DVM's License for 2014.

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

**Dr. Kenneth Neal - Discussion Only**

**Premise Inspections - Discussion Only**

**ASBVME – Information Only**

**ASBVME Board Meeting Scheduled - Information Only**  
**for August 9<sup>th</sup>, 2014 at 8:00 a.m. in Birmingham**

Dr. Eidt motion to pay the Board and adjourn.

Dr. Martin seconded the motion and it passed unanimously

**4:30 p.m.** Adjourn

Respectfully submitted,

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Tammy S. Cargile  
Executive Director

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Robert E. Pitman, DVM  
President