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

MINUTES
Board Meeting
Wednesday June 11th, 2014

The Alabama State Board of Veterinary Medical Examiners met Wednesday June 11th, 2014 at the Board Office in Montgomery, Alabama in order to conduct business.

9:45 a.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.
**A Quorum is present, copy of meeting publication attached.*

Guest present were: Mrs. Barbara Seimen, Ms. Vonn Beasely, Mr. Chad Hobbs, Mr. Chris Waller, and Ms. Mindy Gilbert.

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
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

*** Dr. Robert Pitman, President, Ms. Tammy Cargile, Executive Director, Mr. Charles David Phillips and Mr. Dale W. O'Banion recused themselves from the meeting. Dr. Robert Pitman, President, recused himself from voting.*

9:46 a.m. Dr. Eidt assumed the duties as Chair.

9:47 a.m. Dr. Eidt made a motion to enter into Executive Session to deliberate on Complaint Case #13-WRW-634. They will retire from Executive Session at approximately 12:00 p.m.

Dr. Branch seconded the motion and a roll call vote was called for by Dr. Sam Eidt, Vice-President.

Dr. Sam Eidt – Yea
Dr. Patrick Trotter – Yea
Ms. Debbie Whitten – Yea
Dr. Robert Martin - Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden - Yea
Mrs. Nancy Pett – Yea

12:03 p.m. Dr. Eidt made a motion to retire from Executive Session and resume back at approximately 12:30 p.m.

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

12:41 p.m. Dr. Eidt made a motion to enter back in to Executive Session to continue the deliberation on Complaint Case # 13-WRW-634. The will retire from Executive Session at approximately 4:30 p.m.

Dr. Branch seconded the motion and a roll call vote was called for by Dr. Eidt, Vice-President.

Dr. Sam Eidt – Yea
Dr. Patrick Trotter – Yea
Ms. Debbie Whitten – Yea
Dr. Robert Martin - Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden - Yea
Mrs. Nancy Pett – Yea

4:23 p.m. Dr. Eidt made a motion to retire from Executive Session and enter back into Open Session.

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

***Complaint Case # 13-WRW-634**

Charge 1 – Violation(s) of § 34-29-87.

(a) Whenever the practice of veterinary medicine is carried on by a partnership, all partners shall be either licensed or holders of temporary licenses to practice veterinary medicine in the State of Alabama.

(b) It shall be unlawful for any licensed veterinarian to practice veterinary medicine as an employee of any person or other entity not engaged primarily in the practice of veterinary medicine or for any person that is the owner or owners of an active veterinary practice to be other than a veterinarian or veterinarians duly licensed in the State of Alabama.

The ASBVME Board found the Defendant Guilty of this Charge.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Guilty
Dr. Robert Martin – Guilty
Dr. Thomas C. Branch – Guilty
Dr. Mickey Golden – Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Dr. Trotter made a motion to suspend the defendants' license to practice veterinary medicine in the State of Alabama for one (1) year, and a $1,000.00 administrative fine and a public censure.

Dr. Martin seconded the motion, and a vote was called for;

Ms. Debbie Whitten – Yea
Dr. Patrick Trotter – Yea
Dr. Robert Martin – Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden – No
Mrs. Nancy Pett – Yea
Dr. Sam Eidt – Yea

The motion was passed with 6 Yea's and 1 No.

Charge 2 – Violation(s) of § 34-29-88

(b) Each Application for a premise permit shall set forth the names of all licensed veterinarians who shall be responsible for the management of the premises.

(g) Premise Permits issued to satellite, outpatient, or mobile small animal clinics shall state the name of the full service veterinary facility in that locale providing emergency and after hours services. Premise Permits issued to mobile large animal clinics shall state the name of the full service veterinary facility in that locale providing radiology, emergency, and after hours services. Mobile clinics operating in more than one locale, i.e. city, shall have a premise permit for each locale. If the agreement between the outpatient, satellite, mobile large animal clinic, mobile small animal clinic, and the full service veterinary clinic providing back-up services

ceases, the board shall be notified immediately and a new agreement for back up service shall be provided before the issuance of a new premise permit.

The ASBVME Board found the Defendant Not Guilty of this Charge. With a vote of 7 Not Guilty's.

Ms. Debbie Whitten – Not Guilty
Dr. Patrick Trotter – Not Guilty
Dr. Robert Martin – Not Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Not Guilty
Dr. Sam Eidt – Not Guilty

Charge 3 – Violation(s) of § 34-29-76
(4) No person shall give false or forged information to the board or a member thereof for the purpose of obtaining a license.

(7) No person shall knowingly conceal information relative to violations of this article.

(8) No person shall falsely represent himself or herself as being in a supervisory status without providing such supervision.

The ASBVME Board found the Defendant Guilty of this Charge.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Guilty
Dr. Robert Martin – Guilty
Dr. Thomas C. Branch – Guilty
Dr. Mickey Golden – Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Dr. Eidt made a motion to charge the defendant an administrative fine of $1,000.00 and a public censure.

Dr. Martin seconded the motion, and a vote was called for;

Ms. Debbie Whitten – Yea
Dr. Patrick Trotter – Yea
Dr. Robert Martin – Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden – Yea
Mrs. Nancy Pett – Yea
Dr. Sam Eidt – Yea

The motion passed unanimously by the Board.

Charge 4 – Violation(s) of § 34-29-89
Each person to whom a license or premise permit, or both, is issued shall keep such license or premise permit, or both, conspicuously displayed in his or her office, place of business, or place of employment and shall, whenever required, exhibit the license or premise permit, or both, to any member or authorized representative of the board.

The ASBVME Board found the Defendant Guilty of this Charge. With a vote of 5 Guilty and 2 Not Guilty.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Guilty
Dr. Robert Martin – Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Dr. Trotter made a motion to charge the defendant an administrative fine of $1,000.00 and a public censure.

Dr. Martin seconded the motion, and a vote was called for;

Ms. Debbie Whitten – Yea
Dr. Patrick Trotter – Yea
Dr. Robert Martin – Yea
Dr. Thomas C. Branch – No
Dr. Mickey Golden – No
Mrs. Nancy Pett – Yea
Dr. Sam Eidt – Yea

The motion was passed with 5 Yea's and 2 No's.

Charge 5 – Violation(s) of § 34-29-94
(e) The supervising veterinarian may require a license veterinary technician to perform any task for which he or she has been trained provided the veterinarian makes examinations in a manner and frequency consistent with the accepted standard of care for the condition of the patient and for the condition being treated.

(e) (1) Sets forth the tasks that a licensed veterinary technician may perform under the indirect supervision of a veterinarian and the direct supervision of a veterinarian when the animal is anesthetized.

(e) (2) Sets forth the tasks that a licensed veterinary technician may perform under the direct supervision of a veterinarian.

The ASBVME Board found the Defendant Guilty of this Charge.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Guilty
Dr. Robert Martin – Guilty
Dr. Thomas C. Branch – Guilty
Dr. Mickey Golden – Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Dr. Martin made a motion to charge the defendant an administrative fine of $1,000.00 and a public censure.

Ms. Whitten seconded the motion, and a vote was called for;

Ms. Debbie Whitten – Yea
Dr. Patrick Trotter – Yea
Dr. Robert Martin – Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden – Yea
Mrs. Nancy Pett – Yea
Dr. Sam Eidt – Yea

The motion passed unanimously by the Board.

Charge 6 – Violation(s) of § 930-X-1-.07.
(4) The Board may reject any application, which does not contain full and complete answers, or information as may be requested and may reject any application if any of the information furnished in the application is determined to be fabricated, false, misleading or incorrect.

The ASBVME Board found the Defendant Not Guilty of this Charge. With a vote of 7 Not Guilty' s.

Ms. Debbie Whitten – Not Guilty
Dr. Patrick Trotter – Not Guilty
Dr. Robert Martin – Not Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Not Guilty
Dr. Sam Eidt – Not Guilty

Charge 7 – Violation(s) of 930-X-1-.10.
(4) States that a veterinarian upon his or her own responsibility must decide what employment he or she will accept in his or her professional capacity and what course of treatment will be followed once he or she has accepted employment..... No veterinarian shall give any service or advice involving disloyalty to the law..... A veterinarian shall not give any service or advice directly towards the corruption of any person or persons exercising a public office or private trust or deception or betrayal of the public.

The ASBVME Board found the Defendant Guilty of this Charge.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Guilty
Dr. Robert Martin – Guilty
Dr. Thomas C. Branch – Guilty
Dr. Mickey Golden – Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Ms. Pett made a motion to charge the defendant an administrative fine of $1,000.00 and a public censure.

Dr. Trotter seconded the motion, and a vote was called for;

Ms. Debbie Whitten – Yea
Dr. Patrick Trotter – Yea
Dr. Robert Martin – Yea
Dr. Thomas C. Branch – Yea
Dr. Mickey Golden – Yea
Mrs. Nancy Pett – Yea
Dr. Sam Eidt – Yea

The motion passed unanimously by the Board.

Charge 8 – Violation(s) of 930-X-1-.11.
(1) A licensed veterinarian shall not prescribe or dispense, deliver or order delivered:

(a) Any drug or medicinal agent to be administered to animals with which he or she has not established a veterinary – client – patient relationship;
(b) Any controlled substance without first having established a veterinary – client – patient relationship by having personally examined the individual animal and determined that such controlled substance is therapeutically indicated following said examination.

The ASBVME Board found the Defendant Not Guilty of this Charge. With a vote of 7 Not Guilty' s.

Ms. Debbie Whitten – Not Guilty
Dr. Patrick Trotter – Not Guilty
Dr. Robert Martin – Not Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Not Guilty
Dr. Sam Eidt – Not Guilty

Charge 9 – Violation(s) of 930-X-1-.13.
(1) Provides that licensed veterinarians who handle controlled substances must register annually with the State Board and get a state controlled substance number from the Board.

(2) Provides that all veterinarians are also required to comply with current PDMP (Prescription Drug Monitoring Program) requirements.

(3) All veterinarians are required to comply with current federal DEA regulations (C.F.R. 21) which includes regular inventories and a biennial inventory report must be readily available for inspection by state and federal representatives.

The ASBVME Board found the Defendant Not Guilty of this Charge. With a vote of 7 Not Guilty' s.

Ms. Debbie Whitten – Not Guilty
Dr. Patrick Trotter – Not Guilty
Dr. Robert Martin – Not Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Not Guilty
Dr. Sam Eidt – Not Guilty

Charge 10 – Violation(s) of 930-X-1-.31.
(b) Patient records must:

(1) be maintained on every animal and be legibly documented in and accurate and timely manner;
(2) be readily accessible and permit prompt retrieval of information;
(3) be kept for a minimum of three years following the last office visit or discharge of the animal from the veterinary facility;
(4) identify the patient's problem and condition as specifically as possible;
(5) be filed in and adequate filing system; and
(6) if paperless, meet all recording criteria, and proof of periodic backup must be provided.

The ASBVME Board found the Defendant Not Guilty of this Charge. With a vote of 4 Not Guilty and 3 Guilty.

Ms. Debbie Whitten – Guilty
Dr. Patrick Trotter – Not Guilty
Dr. Robert Martin – Not Guilty
Dr. Thomas C. Branch – Not Guilty
Dr. Mickey Golden – Not Guilty
Mrs. Nancy Pett – Guilty
Dr. Sam Eidt – Guilty

Dr. Trotter made a motion to pay the Board and adjourn.

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

4:31 p.m. Adjourn

Respectfully submitted,

Karen M. Hester
Executive Secretary

Sam J. Eidt, DVM
Vice - President

Debbie S. Whitten, LVT

Patrick N. Trotter, DVM

Robert E. Martin, DVM

Thomas C. Branch, DVM

Mickey J. Golden, DVM

Nancy L. Pett