



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 ✓ PHOENIX, ARIZONA 85007

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MINUTES

October 21, 2020

Board Room A, at 8:30 a.m.

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager, Dr. Darren Wright (arrived at 8:42 a.m.), Ms. Jane Soloman (telephonic), Ms. Nikki Frost, CVT (telephonic), Dr. Robyn Jaynes, and Dr. Sarah Heinrich (telephonic; disconnected at noon).

Members Absent: Dr. Greg Byrne.

Staff and Legal Counsel Present Telephonically/Electronically: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Ms. Whitmore at 8:40 a.m.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES:

1. 20-87, In Re: Virginia Kern, DVM

Attorney David Stoll was present to monitor. Ms. Jessica Detweiler was present telephonically and made statements.

- At 9:21 a.m., after discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to go into executive session for legal advice. Motion passed unanimously.
- At 9:35 a.m., the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Kern a **Consent Agreement** and adopt the Investigative Committee's Findings of Fact as the Board's Findings of Fact and modify the Investigative Committee's Conclusion of Law finding Dr. Kern in violation of:

- **A.R.S. § 32-2232 (21)** as it relates to **AAC R3-11-502 (L) (4)** failure to perform an exam on the dog prior to staff administering a vaccine;
- **A.R.S. § 32-2232 (18)** as it relates to **AAC R3-11-501 (8)** failure to provide a copy of the dog's necropsy report to the pet owner within 10 days after request; and
- **A.R.S. § 32-2232 (11)** gross negligence: failure to perform an exam on the dog to investigate the cause of the dog's vomiting before instructing staff to administer multiple

doses of milk of bismuth; Respondent also exhibited professional misconduct for failing to call the emergency contact left by the pet owner when the dog was showing signs of distress.

Roll call: Dr. Jaynes, aye; Mr. Loughead, aye; Dr. Wright, aye; Ms. Soloman, aye; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to offer Dr. Kern a Consent Agreement to include an agreement to not renew her veterinary license this renewal cycle (license expires 12/31/2020); not to personally accept new patients; and notify existing clients, in writing, that she will no longer be practicing veterinary medicine after the first of the year and will advise the Board when this occurs. If Dr. Kern does not sign the Consent Agreement, the matter will be moved to Formal Hearing for possible revocation of licensure.

Roll call: Dr. Jaynes, aye; Mr. Loughead, aye; Dr. Wright, aye; Ms. Soloman, nay; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, aye. Motion passed 6 ayes, 1 nay.

2. 20-92, In Re: Ayman Wassef, DVM

Attorney David Stoll was present to monitor. Dr. Daniel Jacoby was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

3. 20-93, In Re: Kira Zerkel, DVM

Ms. Frost was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Dr. Jaynes, aye; Mr. Loughead, nay; Dr. Wright, aye; Ms. Soloman, aye; Ms. Creager, aye; Ms. Frost, recused; and Dr. Heinrich, absent. Motion passed 4 ayes, 1 nay, 1 absent, and 1 recusal.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to **open an investigation** regarding the responsible veterinarian for the premises, Dr. Shantibhushan Jha, with respect to allegedly allowing non-veterinary staff to diagnose animals. Motion passed 5 ayes, 1 recusal (Ms. Frost) and 1 absent (Dr. Heinrich).

4. 20-94, In Re: Sarah Carotenuto, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

5. 20-95, In Re: Katheryne Kasper, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

6. 20-97, In Re: Ryan Lunt, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Jaynes to accept the Investigative Committee's

recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

7. 20-98, In Re: Sheryl Harmon, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

8. 20-99, In Re: Bernard Mangone, DVM

Dr. Mangone was present, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to **disagree** with the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring medical records are complete. Motion passed unanimously.

9. 20-100, In Re: Cynthia Opfenring, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

10. 20-101, In Re: Seth Bleakley, DVM

Attorney David Stoll was present to monitor. Ms. Laura Rosario was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Roll call: Dr. Jaynes, aye; Mr. Loughhead, aye; Dr. Wright, nay; Ms. Soloman, nay; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, aye. Motion passed 5 ayes, 2 nays.

11. 20-102, In Re: Doyle K. Prince, DVM

Attorney David Stoll was present to monitor. Ms. Laura Rosario was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Dr. Jaynes, aye; Mr. Loughhead, aye; Dr. Wright, nay; Ms. Soloman, nay; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, aye. Motion passed 5 ayes, 2 nays.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-79: In Re: Megan Helgeson, DVM

Dr. Helgeson was present with attorney David Stoll, made statements and answered questions. Attorney Tricia Schafer was present telephonically; Mrs. Lisa Kravetz and Ms. Brookelyn Kravetz were present telephonically, made statements and answered questions. Dr. Stacy Duffy was present telephonically. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to **dismiss** this issue with no violation. Roll call: Dr. Jaynes, aye; Mr. Loughhead, aye; Dr. Wright, nay; Ms. Soloman, nay; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, aye. Motion passed 5 ayes, 2 nays.

2. 20-83: In Re: Hugo Santibanez, DVM

Dr. Santibanez was present with attorney, Logan Elia, made statements and answered questions. Ms. Annabell Gonzalez was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to find Dr. Santibanez in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **AAC R3-11-501 (1)** failure to provide current professional and scientific knowledge by not providing a complete evaluation of the dog, especially with respect to the eyes; not recommending a urinalysis due to the increased thirst and urination; and not offering IV or SQ fluids to a dog that was 10% dehydrated. Fluids would not have been detrimental in animal with a HCT of 22 %.

Roll call: Dr. Jaynes, aye; Mr. Loughhead, nay; Dr. Wright, nay; Ms. Soloman, aye; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, absent. Motion passed 4 ayes, 2 nays and 1 absent.

3. 20-72: In Re: Jolene Conley, DVM – Continuance of Informal Interview of September 16, 2020, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order.

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to adopt the Findings of Fact and Conclusions of Law as drafted. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to issue Dr. Conley an Order that includes a period of **Probation for 1-year** to obtain **three (3) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those three (3) hours are to be in **fungal disease and treatment**. Roll call: Dr. Jaynes, aye; Mr. Loughhead, aye; Dr. Wright, aye; Ms. Soloman, aye; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, absent. Motion passed 6 ayes, 1 absent.

4. 20-76: In Re: Lyle Robinson, DVM – Continuance of Informal Interview of September 16, 2020, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order.

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to adopt the Findings of Fact and Conclusions of Law as drafted. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to issue Dr. Robinson an Order to include a period of **Probation for 1-year** to obtain four **(4) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those four (4) hours are to be in:

- Two (2) hours CE in **anesthesia**; and
- Two (2) hours CE in **medical record keeping**.

Roll call: Dr. Jaynes, aye; Mr. Loughhead, nay; Dr. Wright, aye; Ms. Soloman, nay; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, absent. Motion passed 4 ayes, 2 nays, and 1 absent.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 19-71: In Re: Celeste Roy, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Attorney Larry Cohen was present telephonically with Dr. Roy; both made statements and answered questions in compliance with her Consent Agreement.

- At 9:51 a.m., a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session for legal advice. Motion passed unanimously.
- At 9:57 a.m., the Board entered back into open session.
- At 10:01 a.m., a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session to discuss Dr. Roy's personal medical information. Motion passed unanimously.
- At 10:12 a.m., the Board entered back into open session.

After discussion and consideration, the Board requested Dr. Roy to submit a letter with respect to gabapentin; when it was prescribed and by which doctor. Dr. Roy and counsel agreed.

2. 19-37: In Re: Crystal Delano, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Delano appeared before the Board in compliance with her Consent Agreement; she made statements and answered questions.

3. 20-59: In Re: Garrel Geiger, DVM. Board may review, discuss, and take action on Continuing Education plan submitted in compliance with Consent Agreement.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to **approve** Dr. Geiger's plan submitted in compliance with his Consent Agreement. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

4. 20-19: In Re: Jerry Oler, DVM. Board may review, discuss, and take action on revised Continuing Education plan submitted.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to **approve** Dr. Oler's continuing education plan submitted in compliance with his Board Order. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

5. 20-47: In Re: Benjamin Savard, DVM. Board may review, discuss, and take action on completion of Continuing Education as required by Consent Agreement and may return license to Active status.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to **approve** Dr. Savard's completion of his continuing education in compliance with his Consent Agreement and return his license to **Active** status. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

6. 19-92: In Re: Adam Staerkel, CVT. Board may review, discuss, and take action on completion of Continuing Education as required by Consent Agreement and may return certificate to Active status if required civil penalty is timely submitted.

Ms. Frost was recused. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to **approve** Ms. Staerkel's completion of his continuing education and payment of his civil penalty in compliance with his Consent Agreement and return his certification to **Active** status. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

7. 20-29: In Re: Manuel Cruz Castenedo, DVM. Board may review, discuss, and take action on Practice Monitor's audit report for Camelback Animal Hospital.

No action taken.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on case C-21-02, In Re: Wes Campbell, ACEqD, possible unlicensed practitioner.

- At 2:12 p.m., a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed 6 ayes, 1 absent.

- At 2:17 p.m., the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to issue Mr. Campbell a **cease and desist**, and **refer the matter to the County Attorney and Attorney General's office**. Roll call: Dr. Jaynes, aye; Mr. Loughead, aye; Dr. Wright, aye; Ms. Soloman, aye; Ms. Creager, aye; Ms. Frost, aye; and Dr. Heinrich, absent. Motion passed 6 ayes, 1 absent.

2. Board may review, discuss, and take action on case C-21-03, In Re: Aldo Farina, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to direct staff to send Mr. Farina an educational letter and request him to remove the language from his website with respect to offering equine dental services until he is certified and has registered with the Board. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

3. Board may review, discuss, and take action to utilize Executive Order 2020-17 "Continuity of Work" to allow veterinary and Certified Veterinary Technician reinstatement fees to be paid within 30 days after the Executive Order is rescinded.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to allow veterinary and Certified Veterinary Technician reinstatement fees to be paid within 30 days after the Executive Order is rescinded. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

4. Board may review, discuss, and take action on request from the Cornell University Lab of Ornithology for the online "Ornithology: Comprehensive Bird Biology" course.

After discussion and consideration, Board directed staff to request additional information.

5. Board may review, discuss, and take action on Certified Veterinary Technician (CVT) applications.

a. Stephanie Sleeper

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Ms. Sleeper's CVT application. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

b. Tiffany Stula

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Ms. Stula's CVT application. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

c. Cassandra West

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to deny Ms. West's CVT application based on information received that Ms. West does not meet the requirements outlined in A.R.S. § 32-2242 (B). Motion passed 6 ayes, 1 absent (Dr. Heinrich).

6. Board may review, discuss, and take action on veterinary license applications.

a. Ava Frick

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve Dr. Frick's veterinary application. Motion passed 5 ayes, 1 nay (Dr. Wright), and 1 absent (Dr. Heinrich).

b. Joseph Kamper

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve Dr. Kamper's veterinary application. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

7. Board may review, discuss, and take action on denial of veterinary technician certification for failure to pass the State exam and/or the Veterinary Technician National Exam.

- a. McGoldrick, Kathleen
- b. Twiddy, Amanda

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to deny the above veterinary technician certification applicants that failed the State and/or VTNE and appoint Ms. Whitmore to represent the Board if a settlement conference is requested, with her authority limited to denial of certification. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

8. Board may review, discuss, and take action on request waiver from continuing education requirements per A.A.C. R3-11-405 from:

a. Dean Basel, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to grant Dr. Basel and additional six (6) months to complete his continuing education for this renewal cycle. The CE cannot be used for the following renewal cycle. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

9. Board may review, discuss, and take action on request from Michael Keller regarding the clarification of interpretation of A.R.S. §32-2215, per A.R.S. §41-1001.02.

Dr. Keller was present telephonically, made statements and answered questions.

- At 12:45 p.m., a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice.
- At 1:01 p.m., the Board entered back into open session.

After discussion and consideration, the Board advised Dr. Keller that they would review his circumstances once a veterinary application was received. No action taken.

10. Board may review, discuss, and take action on developing a sub-committee to explore possible legislative changes related to tele-health.

After discussion and consideration, Ms. Creager and Dr. Jaynes volunteered to be a part of the sub-committee to explore possible legislative changes related to tele-health.

11. Board may review, discuss, and take action on approval by the Governor's Office for an exception to Executive Order 2020-02 and may take action to develop a sub-committee related to administrative rule revisions.

After discussion and consideration, Ms. Soloman, Dr. Wright and Mr. Loughead volunteered to be a part of the sub-committee related to administrative rule revisions.

12. Board may review, discuss, and take action per Executive Order 2020-17 to waive all license and certificate renewal fees for licenses and certificates that expire December 31, 2020 during the effective period of Executive Order 2020-17.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to move forward with the previous vote to waive renewal fees per Executive Order 2020-17, with the understanding that if the Executive Order is rescinded, fees will begin to be charged this cycle. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

13. Board may review, discuss, and take action on premises license application for The Ranch Vet, Responsible Veterinarian, Crystal Van Lom, DVM.

Ms. Whitmore updated the Board on Responsible Veterinarian Dr. Van Lom's responsiveness with respect to the premises self-inspection report.

VI. REVIEW AND APPROVAL OF MINUTES

1. September 16, 2020 Regular Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve the September 16, 2020 regular session minutes. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

2. September 16, 2020 Executive Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve the September 16, 2020 executive session minutes. Motion passed 6 ayes, 1 absent (Dr. Heinrich).

VII. CALL TO THE PUBLIC

Mr. Johnny Johnson appeared telephonically to speak to the Board.

A motion was made by Ms. Soloman to invite representatives from Arizona's veterinary colleges to give a presentation on their curriculum and progress. No second; motion failed.

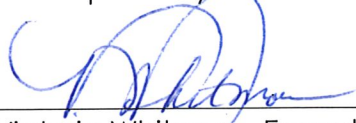
VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, November 18, 2020**, beginning at **8:30 a.m.** at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona 85007. One or more Board members may appear telephonically.

IX. ADJOURNMENT

Meeting was adjourned at 3:05 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director