

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

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VETBOARD.AZ.GOV

MINUTES

October 20, 2021

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

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughhead, Ms. Jessica Creager, Ms. Jane Soloman, Ms. Nikki Frost, CVT (telephonic), Dr. Robyn Jaynes (telephonic at 2:30pm), and Dr. Darren Wright (arrived at 8:41am).

Members Absent: Dr. Greg Byrne and Dr. Sarah Heinrich.

Staff and Legal Counsel Present: 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 8:33 a.m.

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

1. 21-111, In Re: Monica Brown, DVM

Dr. Wright was recused. Dr. Brown was present to monitor. Mr. Chad Schatz was present and made statements.

- At 8:50am, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 8:56am, the Board entered back into open session.

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 5 ayes, 1 recusal.

2. 21-112, In Re: Sherry Wynn, DVM

Ms. McCandless appeared telephonically 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 unanimously.

3. 21-113, In Re; Krystina Lee, DVM

Ms. McCandless appeared telephonically 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 unanimously.

4. 21-114, In Re: Mary Johnson, DVM

Ms. McCandless appeared telephonically 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 unanimously.

5. 21-115, In Re: Paige Chance-Dulin, DVM

Attorney David Stoll was present to monitor. After discuss and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** the issue with no violation. Motion passed unanimously.

6. 21-116, In Re: Anita Greene, DVM

Attorney David Stoll was present to monitor. Ms. Charlene Nahashon was not able to be reached telephonically. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

7. 21-117, In Re: Katherine Conley, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

8. 21-118, In Re: Kenneth Halbach, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Halbach. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Halbach a **Consent Agreement**, adopting the Investigative Committee's Findings of Fact as the Board's Findings of Fact, and finding him in violation of:

- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (4)** failure to record in the dog's medical record the examinations that were conducted after hours at approximately 5:15pm and 8:00pm on March 9, 2021; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (9)** failure to document in the dog's medical record the blood work and radiograph results.

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

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Halbach a Consent Agreement that includes a period of Probation of 1-year to obtain an additional **eight (8) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those eight (8) hours are to be in **medical record keeping**. The Consent Agreement shall also include a \$1,000 civil penalty (\$500 per violation) to be paid on or before the Probationary period. Roll call: Ms. Creager, aye; Dr.

Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to issue Dr. Halbach a **Letter of Concern** for failure to refer the pet to an emergency facility for overnight monitoring, clarifying the reason for the referral was due to not having staff at the premises overnight to monitor the dog and documenting that information in the medical record. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, nay. Motion passed 5 ayes, 1 nay.

9. 21-119, In Re: Gene Nightengale, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made Dr. Jaynes and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

10. 21-120, In Re: Kellie Shamrell, 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 unanimously.

11. 21-121, In Re: Dylan Rubalcaba, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

12. 21-122, In Re: Dawn Bachman, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

13. 21-123, In Re: Edwin Kiesel, DVM

Attorney David Stoll was present to monitor.

- At 10:26am, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 10:51am, the Board entered back into open session.

After reviewing the investigative materials presented in this case, the Board expressed concern regarding Dr. Kiesel's ability to safely and competently practice veterinary medicine. The Board proceeded to discuss an Interim Order to Dr. Kiesel to undergo a mental, physical and neurological evaluation to determine if he can safely and competently practice veterinary medicine. The Board also discussed other options

including offering him an Interim Consent Agreement to cease practicing until he is evaluated or in the alternative expeditiously moving this matter forward.

- At 11:02am, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice.

- At 11:12am, the Board entered back into open session.

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 unanimously.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **open a new complaint** regarding Dr. Kiesel's ability to safely and competently practice veterinary medicine and issue an **Interim Order** per statute **A.R.S. § 32-2234 (B)**. The Interim Order shall give Dr. Kiesel ten (10) days to select Board-approved healthcare professionals to provide mental, physical, and medical examinations. He will then have ten (10) days to schedule an appointment with the appropriate healthcare professionals and have the examinations conducted within 60 days. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

14. 21-135, In Re: Terry Silkman, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to **dismiss** this issue with no violation. Motion passed unanimously.

15. 22-31, In Re: Jared Brethouwer, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made Ms. Frost and seconded by Dr. Wright to dismiss this issue with no violation. Motion passed unanimously.

16. 22-32, In Re: Chris Simpson, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Simpson. After further discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to find Dr. Simpson in violation of ARS § 32-2232 (11) Malpractice. Roll call: Ms. Creager, nay; Dr. Jaynes, nay; Dr. Wright, nay; Ms. Frost, aye; Mr. Loughead, nay; and Ms. Soloman, aye. **Motion failed, 4 nays, 2 ayes.**

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Wright to dismiss this issue with no violation and issue Dr. Simpson a Letter of Concern for ensuring a pet need to be continuously muzzled by monitoring its status. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, nay; Mr. Loughead, nay; and Ms. Soloman, nay. **Motion failed, 3 nays, 3 ayes.**

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to schedule this matter for an **Informal Interview**. Roll call: Ms. Creager, aye; Dr. Jaynes, nay; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, nay; and Ms. Soloman, aye. Motion passed 5 ayes, 1 nay.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 21-108: In Re: Dusti Prentice, DVM

Dr. Prentice was present with attorney David Stoll, made statements and answered questions. Ms. Debbie Brewer was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to find Dr. Prentice in violation of:

- **A.R.S. § 32-2233 (B) (3)** – An administrative violation: Minor records violations that are routine entries into a medical record that do not affect the diagnosis or care of the animal; these included not documenting in the medical record – the betadine flush, the nerve block, the flagyl placement, and penicillin concentration.

Additionally, the Board included in the vote to issue Dr. Prentice a **Letter of Concern** regarding communications; the failure to discuss possible differentials and recommend further diagnostics and documenting the conversation in the medical record.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to issue Dr. Prentice an Administrative Order that includes a \$500 civil penalty to be paid within 30 days of the effective date of the Order. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, nay; Ms. Frost, aye; Mr. Loughead, nay; and Ms. Soloman, nay. **Motion failed, 3 nays, 3 ayes.**

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to issue Dr. Prentice an **Order** that includes a **\$150 civil penalty** to be paid within 30 days. Roll call: Ms. Creager, aye; Dr. Jaynes, nay; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, nay. Motion passed 4 ayes, 2 nays.

2. 21-84: In Re: Lorna Lanman, DVM – Continuance of Informal Interview of September 15, 2021, 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. Creager to adopt the Findings of Fact and Conclusions of Law as drafted. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to issue Dr. Lanman an Order that includes a period of **Probation of 1-year** to obtain four (4) hours of continuing education, in addition to the statutory requirements to maintain licensure. Those **four (4) hours of CE** shall be in **neurology/IVDD**. Dr. Lanman shall also successfully pass the **ICVA Species Specific veterinary exam** within the Probationary period. The Order shall also include a **\$1000 civil penalty** to be paid on or before the Probationary period. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Dr. Wright, aye; Ms. Frost, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 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.

2. 21-53: In Re: Deborah Chapman, DVM. Board may review, discuss, and take action on Continuing Education plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve Dr. Chapman's continuing education plan submitted in compliance with her Board Order. Motion passed unanimously.

3. 21-30: In Re: Joshua Finch, DVM. Board may review, discuss, and take action on Continuing Education plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to approve Dr. Finch's continuing education plan submitted in compliance with his Board Order. Motion passed unanimously.

4. 21-43: In Re: Christina (Nutter) Guttuso, DVM. Board may review, discuss, and take action on Continuing Education plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve Dr. Guttuso's continuing education plan submitted in compliance of her Board Order. Motion passed unanimously.

5. 21-146: In Re: John Oplinger, DVM. Board may review, discuss, and take action on modification of Consent Agreement to be offered.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to modify Dr. Oplinger's Consent Agreement to include Practice Management continuing education. Motion passed unanimously.

6. 20-87: In Re: Virginia Kern, DVM. Discussion with Barbara Guminski, DVM, Responsible Veterinarian of East Mesa Animal Hospital regarding Dr. Kern's Consent Agreement and her role at the premises. Board may review information provided, discuss, and take action.

Dr. Guminiski appeared telephonically; made statements and answered questions regarding her understanding of Dr. Kern's Consent Agreement and her role at the premises.

7. 20-45: In Re: Monika Knoblich, DVM. Board may review, discuss, and take action on completion of continuing education as required by Board Order and may return license to Active status.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Dr. Knoblich's completion of her continuing education as required by her Board Order and return her license to Active status. Motion passed unanimously.

8. 19-71: In Re: Celeste Roy, DVM. Board may review, discuss, and take action on request to defer testing due to out-of-state travel.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to approve Dr. Roy's request to defer testing due to out-of-state travel. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on report from attendees of 2021 American Association of Veterinary State Boards Annual Meeting.

Ms. Frost reported to the Board regarding the topics and discussions that took place at 2021 AAVSB's Annual Meeting. No action taken.

2. Board may review, discuss, and take action on student representative(s) to the Board.

The Board discussed researching ideas to involve students from Arizona veterinary colleges with the Board. No action taken.

3. Board may review, discuss, and take action on FY21 Annual Report to the Governor.

Ms. Whitmore discussed the FY21 Annual Report to the Governor with the Board. No action taken.

4. Board may review, discuss, and take action on certified veterinary technician applications:

a. Sandra Czech

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve applicant Czech's certified veterinary technician application. Motion passed unanimously.

5. Board may review, discuss, and take action on premises inspections:

a. Buena Pet Clinic (#R0870). Responsible Veterinarian: Gene Nightengale

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to open an investigation regarding repeat premises violations. Motion passed unanimously.

6 Board may review, discuss, and take action on case C-22-01, In Re: Landon Ames, Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to issue Mr. Ames a Cease and Desist, refer the case to the Attorney General's Office and send a letter to Dr. Bergsma regarding Mr. Ames reselling and dispensing medications she prescribed to Mr. Ames's horse. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to post Mr. Ames's activities on the Board's website per statute A.R.S. § 32-3227. Motion passed unanimously.

7. Board may review, discuss, and take action on International Council for Veterinary Assessment 2021 Report for Veterinary Licensing Boards.

No action taken.

8. Board may review, discuss, and take action on information regarding the dispensing of 503B products.

The Board directed staff to email the individual requesting direction and advise that the Board took no action.

9. Board may review, discuss, and take action on format of veterinarian and certified veterinary technician State exams.

After discussion and consideration, the Board was satisfied with the current open book format for the certified veterinary technician State exams at this time.

10. Assistant Attorney General Report:

a. 2021 Legislative Session updates

- At 2:30pm, a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session to hear the Assistant Attorney General's Report.

- At 2:50pm, the Board entered back into open session.

11. Executive Director Report

a. September 2022 Board meeting date

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to change the September 2022 meeting date to September 28, 2022. Motion passed unanimously.

b. Board meeting at Midwestern University update

Ms. Whitmore updated the Board that due to logistical issues, the Board will be unable to hold a meeting at the university campus.

c. Conflict of Interest Acknowledgement and Process

Ms. Whitmore discussed proposed updates to the Conflict of Interest Acknowledgment and Process.

VI. REVIEW AND APPROVAL OF MINUTES

1. September 15, 2021 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the September 15, 2021 Regular Session minutes. Motion passed unanimously.

2. September 15, 2021 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the September 15, 2021 Executive Session minutes. Motion passed unanimously.

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3725: Banfield Pet Hospital #1809. New Responsible Veterinarian. Drew Pearson
2. R3735: Banfield Pet Hospital #0133. New Responsible Veterinarian. Daniel McClair
3. R3744: My Pet Market – Scottsdale. New Premises. Rose Fiskett, VMD
4. R3745: My Pet Market – Glendale. New Premises. Rose Fiskett, VMD
5. R3746: My Pet Market – Sonora. New Premises. Rose Fiskett, VMD
6. R3747: Doggie District – Tempe. New Premises. Rose Fiskett, VMD
7. R3748: It's A Dog World. New Premises. Rose Fiskett, VMD
8. R3749: Halo Animal Rescue. New Premises. Rose Fiskett, VMD
9. R3750: Noble Beast Natural Market for Pets. New Premises. Rose Fiskett, VMD
10. R3751: Doggie District – Mesa. New Premises. Rose Fiskett, VMD
11. R3758: Harmony Holistic Veterinary Care. New Owner. Delia MacDonald, DVM
12. R3759: Vetco Total Care #1132. New Premises. Jonathan Bycroft, DVM
13. R3760: Northern Equine LLC. New Address. Cameron Folkers, DVM
14. R3761: Pets at Peace. New Address. Tiffany Boisjolie-Butz, DVM

15. R3762: SNIP Vet. New Premises. Deanna Gazzo, DVM
16. R3764: Heather Perry, DVM. New Premises. Heather Perry, DVM
17. R3766: Picacho Animal Care. Other. Danielle Munoz, DVM
18. R3767: Follow Your Heart Animal Hospital. New Responsible Veterinarian. Eric John Roberts, DVM
19. R3773: Tri-City East Veterinary Hospital. New Responsible Veterinarian. Rhesa Houston, DVM
20. R3775: Augusta Ranch Animal Hospital. New Owner. Deneen Hawley, DVM
21. R3777: Power Road Animal Hospital. New Responsible Veterinarian. Danielle Landreth, DVM
22. R3778: Twin Peaks Veterinary Center. New Responsible Veterinarian. Laura Buttraw, BVMS
23. R3779: Saguario Veterinary Surgery. New Premises. Ryan McCally, DVM

**A (7), (8), (10) and (18) Removed from the Consent Agenda.
Approval of Premises Licenses granted.**

B. Approval of Random Premises Inspections – Responsible Veterinarian Listed

1. R0870: Buena Pet Clinic. Gene Nightengale, DVM

B (1) Removed from Consent Agenda.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the Consent Agenda as amended. Motion passed unanimously.

Items Removed From Consent Agenda:

A (7), (8) and (10):

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve pending inspection and compliance. Motion passed unanimously.

A (18):

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve pending compliance. Motion passed unanimously.

B (1):

See agenda item V. 5a. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the random premises inspection. Motion passed unanimously.

VIII. SUMMARY OF CURRENT EVENTS

No current events.

IX. CALL TO THE PUBLIC

Mr. Johnny Johnson addressed the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, November 17, 2021**, 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.

XI. ADJOURNMENT

Meeting adjourned at 3:08pm.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "V. Whitmore", is written above a horizontal line.

Victoria Whitmore, Executive Director