

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 26, 2022

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

1740 W. Adams Street, Board Room C

Phoenix, Arizona 85007

Members Present: Ms. Jessica Creager, Ms. Jane Soloman, Mr. Jim Loughead, Dr. Melissa Thompson, Dr. Craig Nausley, Dr. Robyn Jaynes, Ms. Nikki Frost, CVT, and Dr. Darren Wright (arrived at 8:36am).

Members Absent: Dr. Greg Byrne.

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: Dr. Jaynes at 8:30am.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES

1. 22-111, In Re: Benjamin Berriman, DVM

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 nay (Ms. Soloman).

2. 22-114, In Re: Toni Barnes, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Barnes. Ms. Stacey Foulks was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes, to schedule this matter to an **Informal Interview**. Motion passed unanimously.

3. 22-115, In Re: L H Nelson, DVM

Dr. Nausley was recused. Dr. Nelson was present with attorney David Stoll and made statements. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Jaynes to offer Dr. Nelson a **Consent Agreement** adopting the Investigative Committee's Findings of Fact as the Board's Findings of Fact and finding administrative violation **A.R.S. § 32-2233 (B) (3)** minor medical record violations that are

routine entries into a medical record that did not affect the diagnosis or care of the dog. Motion passed 7 ayes, 1 recusal.

After further discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Jaynes to offer Dr. Nelson a Consent Agreement that includes a **five hundred dollar (\$500) civil penalty** to be paid within 60 days from the effective date of the Consent Agreement. Motion passed 7 ayes, 1 recusal.

4. 22-116, In Re: Taylor Williams, DVM

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

5. 22-117, In Re: Timothy Chiasson, DVM

Dr. Nausley was recused. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Thompson to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 recusal.

6. 22-119, In Re: Selina Velasquez, DVM

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

7. 22-120, In Re: Nicole Avci, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Wright to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 nay (Dr. Nausley).

8. 22-121, In Re: Dorothy Nelson, DVM

Attorney David Stoll was present to monitor.

- At 9:47am, a motion was made by Ms. Frost and seconded by Dr. Wright to go into executive session for legal advice.
- At 9:49am, the Board entered back into open session.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Frost to schedule this matter for an **Informal Interview**. Motion passed unanimously.

9. 22-123, In Re: James Justice, DVM

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

10. 23-31, In Re: Lorna Lanman, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Lanman. After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Wright to dismiss this issue with no violation and issue a **Letter of Concern** with respect

ensuring payments are made timely and in the correct format as well as understanding that Board staff is not responsible for ensuring Dr. Lanman remains compliant. Motion passed unanimously.

III. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

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

Dr. Roy was present in compliance with her Consent Agreement.

2. 20-107: In Re: Erin Hisrich, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Ms. Frost was recused. Dr. Hisrich was present in compliance with her Consent Agreement. After discussion and consideration, it was determined that Dr. Hisrich could appear telephonically at the January 2023 Board meeting.

3. 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 was present in compliance with her Consent Agreement.

4. 22-17: In Re: John Oplinger, DVM. Board may review, discuss, and take action on completion of continuing education as required by Consent Agreement and overall compliance.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Mr. Loughead to accept Dr. Oplinger's completion of his continuing education and return his license to Active status. Motion passed unanimously.

5. 21-123: In Re: Edwin Kiesel, DVM. Board may review, discuss, and take action on practice monitor report and update on progress toward closing practice

No action taken.

6. 22-57: In Re: Ryan Bunce, 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. Nausley and seconded by Mr. Loughead to accept Dr. Bunce's continuing education plan submitted in compliance with his Board Order. Motion passed unanimously.

7. 22-61: In Re: Matthew Reed, 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 Mr. Loughead and seconded by Ms. Soloman to accept Dr. Reed's continuing education plan in compliance with his Board Order. Motion passed unanimously.

8. 22-58: In Re: Kenneth Halbach, 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. Nausley and seconded by Dr. Thompson to accept Dr. Halbach's continuing education plan in compliance with his Board Order. Motion passed unanimously.

9. 22-73: In Re: John Montana, 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 Mr. Loughead and seconded by Dr. Wright to accept Dr. Montana's continuing education plan in compliance with his Board Order. Motion passed unanimously.

10. 22-42: In Re: Simon Escalada, 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. Loughead and seconded by Dr. Wright to accept the medical records portion of Dr. Escalada's continuing education plan and grant him an additional 15 days to submit a plan for the remaining continuing education. The Board authorized Ms. Whitmore to approve the submitted continuing education. If Dr. Escalada does not comply, the matter will be placed on next month's Board agenda for review and consideration and open a case for non-compliance of his Board Order. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to deny the continuing education course taken without prior Board approval. Motion passed unanimously.

11. 22-76: In Re: Jeremy Shapero, 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. Nausley and seconded by Dr. Wright to approve Dr. Shapero's continuing education plan in compliance with his Board Order. Motion passed unanimously.

12. 22-80: In Re: James Crawford, 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. Nausley and seconded by Dr. Wright to approve three (3) of the four (4) hours of continuing education submitted in compliance with his Board Order. The Board granted Dr. Crawford an additional 30 days to submit the remaining hour of continuing education in bone disease and/or radiographs related to bone disease. Motion passed unanimously.

IV. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on possible unlicensed practitioner Raquel Mercado.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to open an investigation. Motion passed unanimously.

2. Board may review, discuss, and take action on possible unlicensed practitioner case C-23-04, Leslie Tel Barnhardt.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to refer this matter to the County Attorney and Attorney General's Office and close the case. Motion passed unanimously.

3. Board may review, discuss, and take action on possible unlicensed practitioner case C-23-05, Amy Rose Woodiwiss.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Wright to refer this matter to the County Attorney and Attorney General's Office and close the case. Motion passed unanimously.

4. Board may review, discuss, and take action on request regarding the clarification of interpretation of A.R.S. §32-2242(B) pertaining to Certified Veterinary Technician application requirements, per A.R.S. §41-1001.02:

- a. Krista Dupree
No action taken.

5. Board may review, discuss, and take action on request for Continuing Education approval for Animal Chiropractic Education Source, Meridian, TX 76665 2023 on demand/ in person classes.

- a. Veterinary Basics for Animal Chiropractors
- b. Introduction to Chiropractic Basics part 1
- c. Introduction to Chiropractic Basics part 2
- d. Leg Length
- e. Neuromuscular Rehabilitation
- f. 2 Veterinarians Philosophy
- g. Animal Adjustment
- h. What is Animal Chiropractic?
- i. The Principles of Chiropractic Applied to Life
- j. Chiropractic Philosophy
- k. Gravity
- l. Canine Stretching
- m. Record Keeping for Animal Chiropractic
- n. Control of the Canine Laboratory
- o. Control of the Horse Laboratory

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to approve the continuing education for Animal Chiropractic Education, Meridian, TX 76665 2023 on demand and in person courses. Motion passed unanimously.

6. Board may review, discuss, and take action on Letter of Agreement between the American Association of Veterinary State Boards (AAVSB) and the Arizona Veterinary Medical Examining Board regarding administration of the Veterinary Technician National Examination (VTNE) for 2022-2025.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to authorize Ms. Whitmore to sign Letter of Agreement between the American Association of Veterinary State Boards (AAVSB) and the Arizona Veterinary Medical Examining Board regarding administration of the Veterinary Technician National Examination (VTNE) for 2022-2025 on behalf of the Board. Motion passed unanimously.

7. Board may review, discuss, and take action on FY22 Annual Report to the Governor.
No action taken.

8. Board may review, discuss, and take action on International Council for Veterinary Assessment's 2022 Annual Report for Licensing Boards.
No action taken.

9. Board may review, discuss, and take action on American Veterinary Chiropractic Association notice regarding 2022 annual conference.

After discussion and consideration, the Board directed staff to advise American Veterinary Chiropractic Association, 2022 annual conference, what constitutes the practice of veterinary medicine.

10. Assistant Attorney General Update

a. Training regarding third-party communications

Mr. Harris provided the Board with third-party communication training.

11. Executive Director Report

a. 2022 Payment Card Industry (PCI) audit

b. 2022 License Renewals

c. Staff updates

Ms. Whitmore updated the Board on the above topics. No action taken.

V. REVIEW AND APPROVAL OF MINUTES

1. September 28, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughhead to **approve** the September 28, 2022 regular session minutes. Motion passed 7 ayes, 1 abstention (Dr. Jaynes).

2. September 28, 2022 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughhead to **approve** the August 17, 2022 executive session minutes. Motion passed 7 ayes, 1 abstention (Dr. Jaynes).

VI. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3979: Blue Agave Integrative Veterinary Services. New Premises. Elisa Marusich, DVM
2. R3983: Veterinary Specialty Center of Tucson. New Responsible Veterinarian. Connie Cannady, DVM.
3. R3984: Orange Grove Animal Hospital. New Owner. Walter Meeker, DVM
4. R3987: Miracle Medicine. New Premises. Erin Miracle, DVM
5. R3988: Stonecrest Animal Hospital. Amanda Melhus, DVM
6. R3989: AZ Mobile Vet Surgery Clinic. New Premises. Swaneth Portalatin, DVM
7. R3990: Glendale Animal Hospital. New Owner and New Responsible Veterinarian. Stephanie Brown, DVM
8. R3992: Banfield Pet Hospital #5172. New Responsible Veterinarian. Aaron Franko, DVM
9. R3993: Banfield Pet Hospital #0133. New Responsible Veterinarian. Aaron Franko, DVM
10. R3994: Ajo Veterinary Clinic. New Owner and New Responsible Veterinarian. Elsa Swenson, DVM
11. R3995: Humane Society of Southern Arizona – East Side. New Premises. Tiffany Bryla, DVM
12. R3997: EasyVet Goodyear. New Responsible Veterinarian. Nicole Avci, DVM
13. R3998: Phoenix Veterinary Referral. New Responsible Veterinarian. Lori Stillmaker, DVM
14. R4000: VCA Southside Animal Hospital. New Responsible Veterinarian. Ben Evans, DVM

15. R4004: Pima Medical Institute. New Responsible Veterinarian. Peter Mundschenk, DVM
16. R4009: Banfield Pet Hospital #0154. New Responsible Veterinarian. Emily Fassbaugh, DVM
17. R4013: Scottsdale Hills Animal Hospital. New Owner. Alycia Hagenmaier, DVM
18. R4015: Prestige Animal Hospital. New Responsible Veterinarian. Ashleigh Sanger, DVM
A (4), (5) (6), (8), (10), (11), (13), (15), and (18) were removed from Consent Agenda.
Approval of Premises Inspections granted.

B. Approval of Premises Name Change Requests - Responsible Veterinarian

1. R3556: 99th Avenue and Lower Buckeye Animal Clinic name change to Tolleson Animal Clinic. Rachel Grainger, DVM
Approval of Premises Name Changes granted

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to **approve** the Consent Agenda as amended. Motion passed unanimously.

Items Removed From Consent Agenda:

A (4), (6), (10), (11), (13), (15), and (18).

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to **approve** the above premises **pending inspection and compliance**. Motion passed unanimously.

A (5) and (8).

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to **approve** the premises **pending compliance**. Motion passed unanimously.

VII. SUMMARY OF CURRENT EVENTS

Ms. Solomon advised the Board of the new improvements at the Humane Society.

VIII. CALL TO THE PUBLIC

Mr. Johnny Johnson addressed the Board.

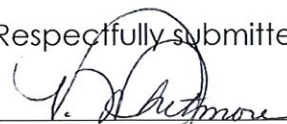
IX. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, November 16, 2022**, beginning at 8:30 a.m. at 1740 W. Adams Street, Board Room "B," Phoenix, Arizona, 85007. One or more Board members may appear telephonically.

XI. ADJOURNMENT

Meeting adjourned at 11:40am.

Respectfully submitted,



Victoria Whitmore, Executive Director