

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

PHONE: (602) 364-1-PET - FAX: (602) 364-1039

VETBOARD.AZ.GOV

MINUTES

November 16, 2022 at 8:30am

1740 W. Adams Street, Board Room B

Phoenix, Arizona 85007

Members Present: Ms. Jessica Creager, Ms. Jane Soloman, Mr. Jim Loughead, Dr. Craig Nausley, Dr. Robyn Jaynes, Ms. Nikki Frost, CVT, Dr. Greg Byrne, and Dr. Darren Wright (arrived at 8:42am).

Members Absent: Dr. Melissa Thompson.

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 8:32am.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES

1. 22-124 In Re: Benjamin Savard, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Savard. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to modify the Investigative Committee's recommendation and **dismiss** this issue with no violation and issue a **Letter of Concern** for the use of expired products at the premises. Motion passed 7 ayes, 1 nay (Ms. Soloman).

2. 22-125, In Re: Judith Kashman. DVM

Dr. Wright recused. Dr. Kashman was present with attorney Leanne Hay and made statements. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to modify the Investigative Committee's recommendation and **dismiss** this issue with no violation and issue a **Letter of Concern** with respect to improving communications in ongoing cases. Motion passed 7 ayes, 1 recusal (Dr. Wright).

3. 22-126, In Re: Raissa De La Cruz, DVM

Attorney David Stoll was present and made statements on behalf of Dr. De La Cruz. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed 7 ayes, 1 nay (Ms. Frost).

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to **subpoena the video recording** of the dental procedure and **open an investigation on technical staff member, Ms. Luce**, if she is a certified veterinary technician in Arizona. Motion passed unanimously.

4. 22-127, In Re: Scott Diskin, DVM

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.

5. 22-129, In Re: Caitlyn Wilson, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to schedule this matter to an Informal Interview. Roll call: Ms. Soloman, aye; Dr. Wright, nay; Mr. Loughead, nay; Ms. Creager, nay; Dr. Jaynes, aye; Dr. Nausely, nay; Ms. Frost, nay; and Dr. Byrne, aye. **Motion failed, 3 ayes, 5 nays.**

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughead to reject the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Ms. Soloman, nay; Dr. Wright, aye; Mr. Loughead, aye; Ms. Creager, aye; Dr. Jaynes, nay; Dr. Nausely, aye; Ms. Frost, aye; and Dr. Byrne, aye. Motion passed 6 ayes, 2 nays.

6. 22-131, In Re: Elizabeth Munhall, DVM

Attorney Leanne Hay was present and made statements on behalf of Dr. Munhall requesting the matter be postponed until the December Board meeting. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to **postpone** the matter until December. Motion passed unanimously.

7. 22-132, In Re: Teresa Duthie, DVM

Attorney Leanne Hay was present and made statements on behalf of Dr. Duthie. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Jaynes to modify the Investigative Committee's recommendation and offer Dr. Duthie a **Consent Agreement**, finding her in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** for failure to follow **professionally acceptable procedures** by not recommending, and documenting in the medical record, diagnostics on August 18, 2021, which caused the delay of the diagnosis of acute hepatitis. Roll call: Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Creager, aye; Dr. Jaynes, aye; Dr. Nausely, aye; Ms. Frost, aye; and Dr. Byrne, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to adopt the Investigative Committee's proposed Findings of Fact as the Board's Findings of Fact. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to offer Dr. Duthie a Consent Agreement that includes a period of **Probation for 1-year** to obtain an additional four **(4) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those four (4) hours shall include:

- **Two (2) hours** in GI/Liver disease; and
- **Two (2) hours** in medical record keeping.

If Dr. Duthie does not sign the Consent Agreement in 30 days, the matter will be scheduled for an Informal Interview. Roll call: Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Creager, aye; Dr. Jaynes, aye; Dr. Nausely, aye; Ms. Frost, aye; and Dr. Byrne, aye. Motion passed unanimously.

8. 22-134, In Re: Linnea Warlick, DVM

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

9. 22-135, In Re: Karler Neal, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to schedule this matter to an **Informal Interview**. Motion passed 6 ayes, 2 nays (Dr. Nausley and Mr. Loughhead).

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 22-121, In Re: Dorothy Nelson, DVM

Dr. Nelson was present, with attorney David Stoll, made statements and answered questions. Dr. and Mrs. William Boyd were present, made statements and answered questions.

- At 12:11pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 12:20pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Frost and seconded by Mr. Loughhead to find Dr. Nelson in violation of ARS § 32-2232 (12) as it relates to AAC R3-11-501 (1) failure to show respect to the animal owner for not communicating the events that were transpiring. Roll call: Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughhead, nay; Ms. Creager, aye; Dr. Jaynes, nay; Dr. Nausely, nay; Ms. Frost, nay; and Dr. Byrne, aye. **Motion failed 4 ayes, 4 nays.**

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to dismiss this issue with no violation. Roll call: Ms. Soloman, nay; Dr. Wright, nay; Mr. Loughhead, aye; Ms. Creager, nay; Dr. Jaynes, aye; Dr. Nausely, aye; Ms. Frost, aye; and Dr. Byrne, nay. **Motion failed 4 ayes, 4 nays.**

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to **dismiss** this issue with no violation and issue a **Letter of Concern** with respect to communicating with the pet owner on what was transpiring, what Respondent and staff were observing and why they felt it possibly constituted animal abuse. Roll call: Ms. Soloman, aye; Dr. Wright, nay; Mr. Loughhead, nay; Ms. Creager, aye; Dr. Jaynes, aye; Dr. Nausely, aye; Ms. Frost, nay; and Dr. Byrne, aye. **Motion passed 5 ayes, 3 nays.**

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

Dr. Barnes was present, with attorney David Stoll, made statements and answered questions. Ms. Staci Foulks was present, made statements and answered questions. After

discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to **dismiss** this issue with no violation and issue a **Letter of Concern** with respect to communication surrounding discussing cystocentesis with the pet owner. Roll call: Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughhead, nay; Ms. Creager, aye; Dr. Jaynes, aye; Dr. Nausley, nay; Ms. Frost, aye; and Dr. Byrne, aye. **Motion passed 6 ayes, 2 nays.**

- At 1:35pm, after discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Jaynes to go into executive session for legal advice. Motion passed unanimously.
- At 1:41pm, the Board entered back into open session.

After further discussion and consideration with respect to the allegation by Complainant of falsifying documents, the Board took no further action.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 20-86: In Re: Leon Ford, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Ford was present in compliance with his Consent Agreement. No action taken.

2. 21-66: In Re: Tressa MacLennan, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. MacLennan was present in compliance with her Consent Agreement. No action taken.

3. 22-64: In Re: Shawna Wood, 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 Mr. Loughhead and seconded by Dr. Wright to accept Dr. Wood's completion of her continuing education in compliance with her Consent Agreement and return her license back to Active status. Motion passed unanimously.

4. 22-74: In Re: Bernard Mangone, 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 Mr. Loughhead and seconded by Ms. Creager to accept Dr. Mangone's continuing education plan in compliance with his Consent Agreement. Motion passed unanimously.

5. 22-136 and 23-03: In Re: Maya Bellapianta, DVM. Board may review, discuss, and take action on request from Respondent to lift Suspension status on veterinary license. Board may also take action to offer a Consent Agreement to allow Respondent to return to practice under appropriate terms and restrictions. Board may also take action on Case 22-136.

Dr. Bellapianta was present with attorney Flynn Carey, made statements and answered questions.

- At 2:06pm, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.

- At 2:15pm, the Board entered back into open session.

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- At 2:16pm, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to go into executive session to discuss personal medical care and treatment. Motion passed unanimously.

- At 2:31pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to offer Dr. Bellapianta an **amended Interim Consent Agreement, replacing the current Interim Consent Agreement once signed**, allowing her to return to practice subject to the following terms and conditions:

- Undergo an evaluation by a Board approved neurologist and psychologist;
- Abstain from alcohol and any illicit/controlled substances unless provided in an emergency room/hospital setting or by a healthcare provider that has had prior Board approval, this includes discontinuing the use of previously prescribed benzodiazepines;
- Monthly appearances before the Board;
- A minimum of monthly random drug testing, which shall include testing for ketamine;
- Ketamine shall not be accessed, prescribed or administered;
- A minimum of monthly therapeutic counseling sessions with quarterly summaries and progress reports to the Board, including attendance, from a Board-approved healthcare provider focusing on addressing the areas as set forth in Dr. Kean's evaluation/report; and
- The Board authorizes Ms. Whitmore to approve the proposed health care providers in compliance with the amended Interim Consent Agreement.

If Dr. Bellapianta does not comply with any of the terms and conditions of the amended Interim Consent Agreement, the suspension shall be reinstated until the Board determines Dr. Bellapianta can safely and competently return to practice. Roll call: Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Creager, aye; Dr. Jaynes, aye; Dr. Nausely, aye; Ms. Frost, aye; and Dr. Byrne, aye. Motion passed unanimously.

6. 22-61: In Re: Matthew Reed, DVM. Board may review, discuss, and take action on Continuing Education completed in compliance with Board Order and may return license to Active status.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Soloman to accept Dr. Reed's continuing education in compliance with his Consent Agreement and return his license to Active status. Motion passed unanimously.

7. 22-80: In Re: James Crawford, DVM. Board may review, discuss, and take action on revised Continuing Education plan.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Soloman to accept Dr. Crawford's revised continuing education plan. Motion passed unanimously.

8. 19-71: In Re: Celeste Roy, DVM. Board may review, discuss, and take action on request to be excused from testing due in January 2023 and new prescription information.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to accept Dr. Roy's waiver request from testing due in January 2023 and her new prescription information due to traveling out of the country. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

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

Ms. Woodiwiss was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to rescind their previous motion to refer the matter to the County Attorney and Attorney General's Office. Motion passed 5 ayes, 3 nays (Dr. Wright, Dr. Jaynes, and Dr. Nausley).

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **close** the matter. Motion passed 5 ayes, 3 nays (Dr. Wright, Dr. Jaynes, and Dr. Nausley).

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

Ms. Woodiwiss was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to rescind their previous motion to refer the matter to the County Attorney and Attorney General's Office. Motion passed 5 ayes, 3 nays (Dr. Wright, Dr. Jaynes, and Dr. Nausley).

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **close** the matter. Motion passed 5 ayes, 3 nays (Dr. Wright, Dr. Jaynes, and Dr. Nausley).

3. Board may review, discuss, and take action on complaint received regarding Maricopa County Animal Care and Control.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Wright to direct staff to open an investigation. Motion passed unanimously.

4. Board may review, discuss, and take action on request for Continuing Education waivers related to license/certificate renewals

a. Alyssabeth Lopez, CVT

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Wright to approve CVT Lopez's request for a continuing education waiver for additional 90 days after the required timeframe to submit continuing education to maintain certification. Motion passed unanimously.

b. Susan Wilson-Sanders, DVM

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Creager to approve Dr. Wilson-Sander's request for a continuing education waiver for additional six (6) months after the required timeframe to submit continuing education to maintain licensure. Motion passed 7 ayes, 1 nay (Ms. Creager).

5. Board may review, discuss and take action on C-23-06, Terry White, possible unlicensed practitioner.

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

6. Board may review, discuss, and take action on C-23-07, Aaron Porter, possible unlicensed practitioner.

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

7. Board may review, discuss and take action on C-23-08, Briana Cunningham, possible unlicensed practitioner.

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

8. Board may review, discuss and take action on possible unlicensed practitioner Bridgette Butfell.

After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Wright to open an investigation with respect to Ms. Butfell's conduct. Motion passed unanimously.

9. Board may review, discuss, and take action on Certified Veterinary Technician application:

a. Ashley Aguero

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to deny Ms. Aguero's CVT application. Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

1. October 26, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to **approve** the October 26, 2022 regular session minutes. Motion passed 7 ayes, 1 abstention (Dr. Byrne).

2. October 26, 2022 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to **approve** the October 26, 2022 executive session minutes. Motion passed 7 ayes, 1 abstention (Dr. Byrne).

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3999: Adriana Stinnett, DVM. New Premises. Adriana Stinnett, DVM
2. R4001: Maricopa County Animal Care and Control (East). New Responsible Veterinarian. Joel Ruels, DVM.

3. R4002: Maricopa County Animal Care and Control (27th Ave.). New Responsible Veterinarian. Joel Ruels, DVM.
 4. R4003: Parker Veterinary Service. New Premises. Lance Parker, DVM
 5. R4006: Urgent Petcare. New Premises. Daniel Moezzi, DVM
 6. R4007: Luna Veterinary Care. New Premises. Glenn Robinson, DVM
 7. R4008: Banfield Pet Hospital #1066. New Responsible Veterinarian. Heather Molander, DVM
 8. R4010: Banfield Pet Hospital #5198. New Responsible Veterinarian. Emily Fassbaugh, DVM
 9. R4019: Beardsley Animal Hospital, LLC. New Owner. Russell Johnsen, DVM
 10. R4021: Dove Valley Animal Hospital, LLC. New Owner. Michael Kiedrowski, DVM
 11. R4022: White Tanks Animal Hospital, LLC. New Owner. Lindsey O'Connell, DVM
 12. R4023: Las Sendas Animal Hospital, LLC. New Owner. Amanda Liesse, DVM
 13. R4024: Dobson Ranch Animal Hospital, LLC. New Owner. Brigid Hirth, DVM
 14. R4043: VCA Valley Animal Hospital and Emergency Center. New Responsible Veterinarian. Christopher Coverdill, DVM
 15. R4050: University of Arizona College of Veterinary Medicine Mobile Surgical Trailer. New Premises. Nellie Goetz, DVM
 16. R4026: Surprise Animal Hospital. New Responsible Veterinarian. Nichole Westerweel, DVM
- A (1), (3), (4), (5) (6), (7), (8), (9), (11), (14), and (16) were removed from Consent Agenda.**

Approval of Premises Inspections granted.

B. Approval of Premises Name Change Requests - Responsible Veterinarian

1. R3049: Arizona Humane Society Margaret McAllister Brock Veterinary Clinic. Add mobile unit. Steven Hansen, DVM.
2. R3050: Arizona Humane Society Marge Wright Veterinary Clinic. Add mobile unit. Steven Hansen, 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 (3), (4), (5) (6), (7), (9), (11), (14), and (16).

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 (1) 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.

VIII. SUMMARY OF CURRENT EVENTS

No current events discussed.

IX CALL TO THE PUBLIC

No members of the public addressed the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, December 14, 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 3:08pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victoria Whitmore', written over a horizontal line.

Victoria Whitmore, Executive Director