

DOUGLAS A. DUCEY
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VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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MINUTES

November 18, 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 (left at 1:25 p.m.), Dr. Darren Wright Ms. Jane Soloman (telephonic), Ms. Nikki Frost, CVT (telephonic), Dr. Robyn Jaynes, and Dr. Sarah Heinrich.

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: Dr. Wright at 8:30 a.m.

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

1. 20-103, In Re: Hanna Wachtel, DVM

Dr. Wachtel was present with attorney David Stoll and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to disagree with the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** regarding the oversight of not ensuring antibiotics were dispensed at the time of discharge. Motion passed unanimously.

2. 20-104, In Re: Hannah Hildebrand, DVM

Ms. Holly Kimball was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to schedule this matter for an **Informal Interview**. Motion passed unanimously.

3. 20-105, In Re: Gary Pollock, DVM

Dr. Pollock was present with attorney David Stoll and made statements. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Dr. Wright to schedule this matter for an **Informal Interview**. Motion passed unanimously.

4. 20-106, In Re: Casie McReynolds, DVM

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

5. 20-108, In Re: Teri O'Rourke, DVM

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

6. 20-109, In Re: Klayton Lapa, DVM

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

7. 20-112, In Re: Suzanne Higgins, DVM

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

8. 20-113, In Re: Tatyana Lyakhova, DVM

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

9. 20-114, In Re: Ayman Wassef, DVM

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

10. 20-115, In Re: Heather Perry, DVM

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

11. 21-11, In Re: Karen Smolen, DVM

Dr. Jaynes was recused. Ms. Jennifer Kottwitz was present and made statements. Mr. Eric Brown was present and made statements.

- At 9:27 a.m. a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 9:43 a.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 **dismiss** this issue with no violation due to lack of authority and **refer** the matter to the California Veterinary Medical Board for review. Motion passed unanimously.

12. 21-33, In Re: Refaat Ishak, DVM

Attorney Larry Cohen was present and made statements on behalf of Dr. Ishak. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to dismiss this issue with no violation. Roll call: Dr. Heinrich, nay; Ms. Frost, nay; Ms. Creager, aye; Ms. Soloman, nay; Dr. Wright, aye; Mr. Loughead, nay; and Dr. Jaynes, nay. **Motion failed – 5 nays, 2 ayes.**

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to dismiss this issue with no violation and issue a **Letter of Concern** with respect to Dr. Ishak ensuring he is using his full name when offering and providing veterinary medical services to the public. Roll call: Dr. Heinrich, aye; Ms. Frost, aye; Ms. Creager, aye; Ms. Soloman, aye; Dr. Wright, nay; Mr. Loughead, aye; and Dr. Jaynes, aye. Motion passed, 6 ayes, 1 nay.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-92: In Re: Ayman Wassef, DVM

Dr. Wassef was present with attorney David Stoll and made statements and answered questions. Mr. Darryl Butler was present telephonically and made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to find Dr. Wassef in violation of:

- A.R.S. § 32-2232 (22) Medical incompetence; for amputating the dog's leg as the first procedure.

Roll call: Dr. Heinrich, nay; Ms. Frost, nay; Ms. Creager, nay; Ms. Soloman, aye; Dr. Wright, aye; Mr. Loughead, nay; and Dr. Jaynes, nay. **Motion failed – 5 nays, 2 ayes.**

- At 12:22 p.m., a motion was made by Dr. Jaynes and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 12:30 p.m., the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to find Dr. Wassef in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** for the failure to communicate the current professional and scientific knowledge with respect to cranial cruciate ligament ruptures; why they happen and why the other leg will likely rupture and ensuring the pet owner was aware that there could be complications with amputating one leg when the other leg's cruciate ligament could rupture.

Roll call: Dr. Heinrich, aye; Ms. Frost, aye; Ms. Creager, nay; Ms. Soloman, aye; Dr. Wright, nay; Mr. Loughead, nay; and Dr. Jaynes, aye. **Motion passed, 4 ayes, 3 nays.**

2. 20-83: In Re: Hugo Santibanez, DVM – Continuance of Informal Interview of October 21, 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.

Dr. Santibanez was present to monitor with attorney Logan Elich. Dr. Santibanez submitted a written statement for the Board to review and consider.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to adopt the Findings of Fact and Conclusions of Law as drafted. Motion passed 6 ayes, 1 nay (Mr. Loughead).

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to issue Dr. Santibanez an **Order** that includes a period of **Probation for 1-year** to obtain **(8) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those eight (8) hours shall be in **Internal Medicine**. The Order shall also include a **civil penalty of \$1000** to be paid on or before the end of the Probationary period.

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

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.

Dr. Roy was present with attorney Larry Cohen and made statements and answered questions.

- At 9:51 a.m., a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.
- At 10:05 a.m., the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to approve gabapentin to Dr. Roy's pain management regimen per page 8, section 14 of her Board Order. Motion passed unanimously.

2. 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 appeared before the Board in compliance with his Consent Agreement; made statements and answered questions.

3. 20-45: In Re: Monika Knoblich, 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. Jaynes and seconded by Dr. Wright to approve Dr. Knoblich's continuing education plan submitted in compliance with her Consent Agreement. Motion passed 6 ayes, 1 absent (Ms. Creager).

4. 20-53: In Re: Sarah Anderson-Kain, 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. Heinrich and seconded by Dr. Wright to approve Dr. Anderson-Kain's continuing education plan submitted in compliance with her Board Order. Motion passed 6 ayes, 1 absent (Ms. Creager).

5. 20-29: In Re: Manuel Cruz Castenedo, DVM. Board may review, discuss, and take action on practice monitor report.

No action taken.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary license applications and may approve licenses, if applicable.

a. Lisa Mandelin

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to approve Dr. Mandelin's veterinary license application. Motion passed unanimously.

b. Connie Sontag

The Board pended this matter to a future Board meeting.

2. Board may review, discuss, and take action on complaint received regarding concerns with COVID-19 protocols at veterinary premises.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to take no action. Motion passed unanimously 6 ayes, 1 absent (Ms. Creager).

3. Board may review, discuss, and take action on Certified Veterinary Technician applications and may approve certification.

a. Dominique Harding

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to approve Ms. Harding's CVT application. Motion passed unanimously.

4. Board may review, discuss, and take action on renewal application of:

a. David Ernsthausen, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve Dr. Ernsthausen's renewal application. Motion passed unanimously.

5. Board may review, discuss, and take action regarding whether continuing education sponsored by allied organizations of the American Veterinary Medical Association (AVMA) may be considered approved by the Board per A.A.C. R3-11-402(A).

No action taken.

6. Executive Director Report

a. License/certificate renewal progress

Ms. Whitmore updated the Board on the online renewal process.

VI. REVIEW AND APPROVAL OF MINUTES

1. October 21, 2020 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the October 21, 2020 regular session minutes. Motion passed 5 ayes, 1 abstain (Dr. Heinrich) and 1 absent (Ms. Creager).

2. October 21, 2020 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the October 21, 2020 executive session minutes. Motion passed 5 ayes, 1 abstain (Dr. Heinrich) and 1 absent (Ms. Creager).

VII. CALL TO THE PUBLIC

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

VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, December 9, 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 1:47 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director