



DOUGLAS A. DUCEY
- GOVERNOR -

VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

9535 E. DOUBLETREE RANCH RD., STE. 100 ♡ SCOTTSDALE, ARIZONA 85258

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

VETBOARD.AZ.GOV

MINUTES

November 19, 2015

Board Room, at 8:30 a.m.

9535 E. Doubletree Ranch Rd.

Scottsdale, Arizona 85258

Members Present: Dr. Brian Serbin, Dr. Christina Bertch-Mumaw, Dr. Les Hatfield, Ms. Julie Mumford C.V.T., Ms. Jessica Amend, Dr. J. Gregory Byrne, and Dr. Darren Wright.

Members Absent: Mr. James Loughhead and Ms. Julie Young.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director (E.D.); Ms. Sunita Krishna, Assistant Attorney General (A.A.G.); Marc Harris, Assistant Attorney General (A.A.G.); Ms. Gina Pickering, Compliance Specialist, and Ms. Tracy Riendeau, C.V.T., Investigations.

I. CALL TO ORDER

Dr. Brian Serbin, Chair, at 8:30 a.m.

Roll call: Ms. Julie Mumford, C.V.T.

II. INITIAL INVESTIGATIVE REVIEW

1. 15-105, In Re: Rifa Sanders, D.V.M.

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

2. 15-106, In Re: Raymond Anderson, D.V.M.

Ms. Mumford was recused. Dr. Anderson was present and made statements. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to schedule this matter for an **Informal Interview**. Motion passed with 6 ayes, 1 recusal.

3. 15-107, In Re: James Cisscell, D.V.M.

Ms. Mumford was recused. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Bertch-Mumaw to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed, 6 ayes, 1 recusal.

4. 16-01, In Re: Richard Livingston, D.V.M.

Dr. Livingston was present and made statements. Mr. Humphrey was present and made statements. After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to schedule this matter for an **Informal Interview**. Motion passed unanimously.

5. 16-10, In Re: Richard Reeves, D.V.M.

Dr. Bertch-Mumaw and Dr. Wright were recused. Dr. Reeves was present and made statements. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Hatfield to issue Dr. Reeves a **Letter of Concern** for allowing unlicensed personnel to practice veterinary medicine at his premise. Motion passes 5 ayes, 2 recusals.

6. 16-11, In Re: Kathryn Orr, D.V.M.

Dr. Bertch-Mumaw and Dr. Wright were recused. Dr. Orr was present and made statements. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Ms. Amend to issue Dr. Orr a **Letter of Concern** for allowing unlicensed personnel to practice veterinary medicine at her premise. Motion passed 5 ayes, 2 recusals.

7. 16-17, In Re: Eric Roberts, D.V.M.

Ms. Amend was recused. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to issue Dr. Roberts a **Letter of Concern** for failure to pay his civil penalty in timeframe outlined in previously issued Board Order. Motion passed 6 ayes, 1 recusal.

8. 16-18, In Re: Charlee Barrett, C.V.T.

Ms. Barrett was present and made statements.

- At 9:15 a.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to go into executive session to obtain legal advice. Motion passed unanimously.
- At 9:25 a.m., the Board returned to open session.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Serbin to consolidate this case, 16-18, with case 15-93, In Re: Charlee Barrett, C.V.T. (referenced in Agenda Item IV. #3). Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Hatfield to adopt the draft Consent Agreement citing violations of **A.R.S. § 32-2249(A)(2)(f)** non-compliance of Board Order 15-93 and **A.R.S. § 32-2249(A)(2)(f) as it relates to A.A.C. R3-11-901(B)** failure to respond in writing to investigative case 16-18, and offer Ms. Barrett a **Consent Agreement** requiring surrender of her Certified Veterinary Technician certification within 20 days due to non-compliance of Board Order 15-93. If Ms. Barrett does not sign the Consent Agreement within 20 days, the matter will be scheduled for a Formal Hearing for further action.

Roll call: Dr. Serbin, aye; Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Dr. Wright, aye; Ms. Amend, aye; and Dr. Byrne, aye. Motion passed unanimously.

9. 16-21, In Re: Jim Rusher, D.V.M.

Dr. Hatfield was recused. Dr. Rusher was present, made statements and answered questions.

- At 9:32 a.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Ms. Mumford to go into executive session to obtain legal advice. Motion passed 6 ayes, 1 recusal.
- At 9:38 a.m., the Board returned to open session.

After further discussion and consideration, a motion was made by Dr. Serbin and seconded by Ms. Amend to adopt the draft Consent Agreement citing violations of **A.R.S. § 32-2232(6)** having professional connection with, or lending one's name to, any illegal practitioner of veterinary medicine and the various branches thereof and **A.R.S. § 32-2232(22)** medical incompetence in the practice of veterinary medicine - lacking sufficient skills to a degree likely to endanger the health of patients, and offer Dr. Rusher a **Consent Agreement** requiring Dr. Rusher to immediately stop practicing veterinary medicine and placing him on probation until he voluntarily lets his Veterinary license lapse at the end of current renewal cycle (December 31, 2016).

Roll call: Dr. Serbin, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Dr. Wright, aye; Ms. Amend, aye; Dr. Hatfield, recused; and Dr. Byrne, aye. Motion passed 6 ayes, 1 recusal.

III. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 15-97, In Re: Dr. John Carr, D.V.M.

Dr. Carr was present, made statements, and answered questions. Ms. Qualtire was present, made statements, and answered questions.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to find Dr. Carr in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide professionally acceptable procedures for not offering diagnostics, including radiographs, and additional treatment, for "Tia" on April 10, 2015.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Ms. Amend, aye; Dr. Wright, aye; Dr. Serbin, nay; and Dr. Byrne, aye. Motion passed 6 ayes, 1 nay.

After further discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to find administration violation:

- **A.R.S. § 32-2233 (B) (3)** as it relates to **A.A.C. R3-11-502 (L) (7) (a), (b), (c) and (d)** failure to document in the medical record the IV fluids that were administered to "Tia" and "Toby" on April 9, 2015.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Ms. Amend, aye; Dr. Wright, aye; Dr. Serbin, aye; and Dr. Byrne, aye. Motion passed unanimously.

2. 15-77, In Re: Refaat Ishak, D.V.M.

Dr. Ishak was present with attorney Dave Stoll, made statements, and answered questions.

- At 10:50 a.m., after discussion and consideration, a motion was made by Dr.

Serbin and seconded by Ms. Hatfield to go into executive session to obtain legal advice. Motion passed unanimously.

- At 11:06 a.m., the Board returned to open session.

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Serbin to consolidate this case, 15-77, and case 15-103 (referenced in Agenda Item IV. #2) to review both matters together at a future Board meeting. Motion passed unanimously.

3. 15-95, In Re: Miles Killian, D.V.M.

Dr. Bertch-Mumaw was recused. Dr. Killian was present, made statements, and answered questions. Mr. Defibaugh was present telephonically, made statements, and answered questions.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to find administrative violation **A.R.S. § 32-2233 (B) (3)** as it relates to **A.A.C. R3-11-502:**

- **(H) (2)** failure to document in the animal's medical record, within six hours prior to surgery performed, the animal's temperature, heart rate, respiratory rate, diagnosis, and general condition on September 30, 2014 and October 11, 2014; and
- **(L) (7) (a)** failure to document in the animal's medical record the concentration of the MLK (morphine, lidocaine and ketamine) drip that was administered to the dog September 30, 2014 and October 11, 2014.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, recused; Ms. Mumford, aye; Ms. Amend, aye; Dr. Wright, aye; Dr. Serbin, aye; and Dr. Byrne, aye. Motion passed 6 ayes, 1 recusal.

4. 15-96, In Re: Michael Kahan, D.V.M.

Dr. Bertch-Mumaw and Ms. Amend were recused. Dr. Kahan was present with attorney Dave Stoll, made statements, and answered questions. Mr. Defibaugh was present telephonically, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to **dismiss** this issue with no violation. Motion passed 5 ayes, 2 recusals.

5. 15-68, In Re: Walter Kurth, D.V.M.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to pend this matter until the December Board meeting. Motion passed unanimously.

6. 15-85, In Re: L. Clayton Wengert, D.V.M. Continuance of Informal Interview of September 16, 2015, for the purpose of receiving additional information and reviewing and possible action to approve or amend proposed Findings of Fact, Conclusions of Law and adopting an Order.

- At 11:45 a.m., after discussion and consideration, a motion was made by Ms. Mumford and seconded by Ms. Amend to go into executive session to obtain legal advice. Motion passed 5 ayes, 2 abstentions.
- At 11:49 a.m., the Board returned to open session.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Mumford to accept the Findings of Fact as drafted. Motion passed 5 ayes, and 2 abstentions (Dr. Serbin and Dr. Wright).

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Mumford to accept the Conclusions of Law as amended finding Dr. Wengert in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-502 (F)** failure for the veterinarian to obtain signed authorization from the animal owner or verbal authorization from the animal owner that was witnessed by one other individual and documented in the medical record;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (7) (d)** failure to document in the medical record the route the euthanasia solution was administered to the horse;
- **A.R.S. § 32-2232 (25)** for performing veterinary services without having a valid veterinarian client patient relationship; and
- **A.R.S. § 32-2232 (26)** for dispensing euthanasia solution in the absence of a valid veterinarian client patient relationship.

Motion passed 5 ayes, and 2 abstentions (Dr. Serbin and Dr. Wright).

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Mumford to issue Dr. Wengert an Order that includes a period of **Probation** for one **(1) year** to obtain a total of **8 hours** of continuing education in addition to the statutory requirements for license renewal. Those hours are to include:

- **Four (4) hours** in medical record keeping;
- **Two (2) hours** in ethics; and
- **Two (2) hours** in communication.

The Order shall also include a **\$500 civil penalty** to be paid before the end of the Probationary term.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Ms. Amend, aye; Dr. Wright, abstained; Dr. Serbin, abstained; and Dr. Byrne, aye. Motion passed 5 ayes, and 2 abstentions.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1.15-13, In Re: Kimberlei Hurst, D.V.M. Board appearance in compliance with Board Order. Board may review, discuss, and take action on compliance with Order and may discuss and take action to offer consent agreement to amend the Order.

Dr. Hurst was present, made statements, and answered questions in compliance with her Board Order.

2.15-103, In Re: Refaat Ishak, D.V.M. Board may review, discuss, and take action on possible consolidation of case with Case 15-77, In Re: Refaat Ishak, D.V.M.

Dr. Ishak was present with attorney David Stoll. See Agenda Item III. #2.

3.15-93, In Re: Charlee Barrett, C.V.T. Board may review, discuss, and take action on compliance with Board Order and possible consolidation of case with Case 16-21, In Re:

Charlee Barrett, C.V.T.
See Agenda Item II. #8.

4. 15-69, In Re: Claudia Channing, D.V.M. Board may review, discuss, and take action on completion of Continuing Education as required by Board Order and may take action on license status.

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

5. 15-35, In Re: Walter Kurth, D.V.M. board may review, discuss, and take action on Continuing Education plan submitted as required by Board Order.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to deny Dr. Kurth's continuing education plan submitted as required by Board Order. The Board directed staff to instruct Dr. Kurth to submit additional information regarding his proposed continuing education plan prior to the December Board meeting. Motion approved unanimously.

6. 15-46, In Re: Gary Yocham, D.V.M. 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. Serbin and seconded by Dr. Bertch-Mumaw to approve Dr. Yocham's continuing education plan submitted in compliance with his Board Order. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

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

a. Lindi Arnold

Ms. Arnold appeared before the Board. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to allow Ms. Arnold to sit for the Certified Veterinary Technician exam. Motion passed unanimously.

2. Board may review, discuss, and take action approval of December 2015 Certified Veterinary Technician exam.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to approve the December 2015 Certified Veterinary Technician exam. Motion passed unanimously.

3. Board may review, discuss, and take action on letter from Roadrunner Pharmacy.

No action taken.

4. Board may review, discuss and take action on application for Veterinary License and request for Temporary Permit.

a. Carol L. Yeisley

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Mumford to issue Ms. Yeisley a Temporary Permit and allow her to sit for the Veterinary exam. Motion passed unanimously.

5. Board may review, discuss and take action on application for Veterinary License.

a. Kathleen M. Harris

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Serbin to approve Ms. Harris' Veterinary Application. Motion passed unanimously.

6. Board may review, discuss and take action on veterinary license pending submission of license issuance fee.

a. Paul Hindley (R)

b. Cynthia Jones (R)

c. Joshua Marion (R)

d. Christine Winslow (R)

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Ms. Amend to approve the above veterinary licenses pending receipt of license issuance fee. Motion passed unanimously.

7. Board may review, discuss and take action on Investigative Committee member applications.

Dr. Serbin recused. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Wright to invite Dr. Ryan Ainsworth to meet with the Board for an interview at the December meeting. Motion passed, 6 ayes, 1 recusal.

8. Board may review, discuss and take action on *Celeste Kelly v. Victoria Whitmore, et. al.*, Maricopa County Superior Court Case No. CV2014-091906.

➤ At 1:58 p.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to go into executive session to obtain legal advice. Motion passed unanimously.

➤ At 2:02 p.m., the Board returned to open session.

9. Board may review, discuss and take action regarding agency public information policy.

Executive Director, Ms. Whitmore, reviewed the policy and procedures utilized by Board staff when responding to license/certificate inquiries from the public. The Board made no changes.

10. Board may discuss and take action on reportable charges from:

a. Ann Adams, D.V.M.

No action taken.

b. Rhonda Casper, D.V.M.

No action taken.

11. Board may review, discuss and take action on unlicensed practitioners and related legal actions.

➤ At 11:11 a.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Wright to go into executive session to obtain legal advice. Motion passed unanimously.

- At 11:32 a.m., the Board returned to open session.

The Board discussed that the Board office receives anonymous information and fliers regarding potential unlicensed practitioners that contain no other information, making it difficult for staff to investigate without specific information and details.

12. Executive Director Report:

a. IT Security

Ms. Whitmore informed the Board that ADOA/ASET has begun conducting regular security scans of the agency systems.

b. ADOA/HR updates

Ms. Whitmore informed the Board that the Governor had appointed a new ADOA Director and that there had been significant changes in the HR Shared Services staff, which may impact the agency's level to receive assistance.

c. 2016 Board Meeting dates

Ms. Whitmore informed the Board that the 2016 Board meeting schedule has been set based on Board room availability. There are three months where the meetings will not be held on the third Wednesday of the month. These dates are September 16, November 17, December 14th.

d. National Board of Veterinary Medical Examiners (NBVME) examinations

Ms. Whitmore informed the Board that NBVME has species-specific examinations available for use by state boards in disciplinary action cases or as otherwise needed.

13. Board may review, discuss and take action on possible 2016 legislative issues and hiring of a lobbyist for the session.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Wright to retain the services of a lobbyist to monitor pertinent legislative issues and engage in any issues as directed by the Board. Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

September 16, 2015 Draft Regular Session

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the September 16, 2015 regular session minutes as drafted. Motion passed 5 ayes, 2 abstentions (Dr. Serbin and Dr. Wright).

October 21, 2015 Draft Executive Session

Pend for a future Board meeting date – quorum of those at that meeting not present today.

VII. CONSENT AGENDA

A. Approval to take State Veterinary Exam

1. Fallini, Lorinda (E)
2. Harrigan, Chandra (R)
3. O'Brien, Kathryn (R)

4. Rusher, Margaret (E)
5. Shettko, Donna (E)
6. Venkat, Heather (R)
7. Brown, Justine (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Reinstatement of Veterinary License

1. Mitsui, Akiko
2. Cole, Walter
3. Johnson, Jenny

Approval of Reinstatement of Veterinary License granted.

C. Approval to take the Certified Veterinary Technician Exam

1. Mavis, Rebecca
2. Mavis, Sarah
3. Motyka, Paulina

Approval to take the Certified Veterinary Technician Exam granted.

D. Approval of Premise Licenses

1. R2557: Kupanoff Surgical, PLLC. Address Change. Patricia Kupanoff, DVM.
2. R2558: Bella Vet. New Premise. Maya Bellapianta, DVM.
3. R2560: Salt River Veterinary Specialists. New Premise. Alejandro Aguirre, DVM.
4. R2561: Oracle Road Pet Clinic. Address Change. Alan Nuradin, DVM.
5. R2562: Humane Society of Central Arizona Mobile Clinic. New Responsible Veterinarian. Sheena Christensen, DVM.
6. R2565: Verde Veterinary Hospital. New Responsible Veterinarian. Gordon Vergason, DVM.
7. R2567: Banfield Pet Hospital #1145. New Responsible Veterinarian. Catriona Forrest, DVM.
8. R2568: VIP Petcare – Tractor Supply Company – Tucson (Oracle). New Premise. Siobhan Jones, DVM.
9. R2572: Shea Animal Hospital. Address Change. Jack Sampson, DVM.
10. R2573: Vetcare Internal Medicine Specialists. New Owner. Stacey Hoffman, DVM.
11. R2574: Vetcare Internal Medicine Specialists. New Owner. Stacey Hoffman, DVM.
12. R2580: Briarcrest Veterinary Care Center. New Owner. Craig Nausley, DVM.
13. R2583: Banfield Pet Hospital #0137. New Responsible Veterinarian. Heidi Burris, DVM.
14. R2584: VIP Petcare – Tractor Supply Company – Casa Grande. New Premise. Siobhan Jones, DVM.

Approval of Premise Licenses granted.

E. Approval of Random Premise Inspections

1. P0663: Bear Canyon Pet Clinic. Lynn Van Erven, DVM.
2. P0980: Greenway Pet Clinic. Carole Treat, DVM.
3. R0153: Jim Rusher. Jim Rusher, DVM.
4. R0553: 101 Spay and Neuter Clinic. Diego Florez, DVM.
5. R0781: All Pets Acupuncture & Holistic Health Clinic. James Armer, DVM.
6. R0839: Four Peaks Animal Clinic. Aubrey Pruitt, DVM.
7. R1157: Adobe Veterinary Center. Christine Staten, DVM.
8. R1367: Camelwest Animal Hospital. Nicole McCreedy, DVM.
9. R1454: Glendale Animal Hospital. James Day, DVM.

10. R1472: Apollo Animal Hospital. Charles Toben, DVM.
11. R2247: Cornville Pet Clinic. Jerry Oler, DVM.

E(3) removed from Consent Agenda.

Approval of Random Premise Inspections granted.

F. Approval of Premise Change of Scope Request

1. R0839: Four Peaks Animal Hospital. Add Mobile Unit. Aubrey Pruitt, DVM.
2. R1454: Glendale Animal Hospital. Add Mobile Unit. James Day, DVM.
3. R1472: Apollo Animal Hospital. Add Mobile Unit. Charles Toben, DVM.

Approval of Premise Change of Scope Request granted.

G. Approval Temporary Permits

1. Brown, Justine (R)

Approval of Temporary Permits granted.

H. Approval of Veterinary License

1. Gordon, Cynthia (E)
2. Kitchell, Barbara (S)

Approval of Veterinary License granted.

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

Items Removed From Consent Agenda

E (3) R0153: Jim Rusher. Jim Rusher, DVM.

Dr. Hatfield recused. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the Random Premise Inspection. Motion passed 6 ayes, 1 recusal.

VIII. SUMMARY OF CURRENT EVENTS

No current events.

IX. CALL TO PUBLIC

No member of the public wished to speak.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on December 16, 2015, beginning at 8:30 a.m. at 9535 E. Doubletree Ranch Road, Scottsdale, Arizona, 85258, in the Board Room.

XI. ADJOURNMENT

The meeting adjourned at 2:16 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director