



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 ✓ PHOENIX, ARIZONA 85007
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MINUTES

December 9, 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, Dr. Greg Byrne, Ms. Jane Soloman (telephonic), Ms. Nikki Frost, CVT (telephonic), and Dr. Sarah Heinrich.

Members Absent: Dr. Darren Wright and Dr. Robyn Jaynes.

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. Wright at 8:30 a.m.

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

1. 20-116, In Re: Daina Iman, DVM

Ms. Kathryn Bowden Scheer was present telephonically and made statements. 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.

2. 20-117, In Re: Andrea Savarese, DVM

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

3. 20-118, In Re: Polina Vishkautsan, DVM

Attorney David Stoll was present to monitor. Ms. Monica Odgers was present telephonically and made statements. 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.

4. 20-119, In Re: Pamela Drake, DVM

Ms. Monica Odgers was present telephonically and made statements. 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.

5. 20-120, In Re: Aaron Franko, DVM

Dr. Heinrich was recused. 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 5 ayes, 1 recusal.

6. 20-121, In Re: Daniel Moezzi, DVM

Dr. Heinrich was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal.

7. 20-122, In Re: Karina Cox, DVM

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

8. 20-123, In Re: Sarah Berthiaume, DVM

Attorney David Stoll was present to monitor. 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 unanimously.

9. 20-125, In Re: Nicole Underhill, DVM

Attorney David Stoll was present to monitor. Ms. Felicia Valenzuela was present telephonically and made statements. 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.

10. 21-01, In Re: Carlotta Groves, 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. 21-02, In Re: Marlayna Barnard, DVM

Dr. Heinrich was recused. Attorney David Stoll was present to monitor. 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 5 ayes, 1 recusal.

12. 21-03, In Re: Michelle Erney, VMD

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.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-105: In Re: Gary Pollock, DVM

Matter pended to a future Board meeting.

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

Dr. Hildebrand was present telephonically, made statements and answered questions. Ms. Holly Kimble was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** with respect to inconsistent and incomplete medical records.

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

3. 20-92: In Re: Ayman Wassef, DVM – Continuance of Informal Interview of November 18, 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.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to adopt the Findings of Fact and Conclusions of Law as drafted. After further discussion and consideration, Dr. Heinrich and Ms. Creager withdrew their motion.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to continue the matter to a future Board meeting. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 20-107: In Re: Erin Hisrich, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Hisrich appeared before the Board, with attorney Flynn Carey, in compliance with her Consent Agreement.

2. 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 appeared before the Board telephonically, with attorney Larry Cohen, in compliance with her Consent Agreement.

3. 20-72: In Re: Jolene Conley, DVM. Board may review, discuss, and take action on request to modify Continuing Education (CE) topic for CE required by Board Order.

Board discussed modifications that could be made to the CE topic.

4. 20-14: In Re: Virginia Kern, DVM. Board may review, discuss, and take action on November 2020 Practice Monitor Report.

No action taken.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on requests for Continuing Education Waivers per A.A.C. R3-11-405:

a. Richard Joiner, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **grant** Dr. Joiner a four (4) month extension to complete the continuing education requirement for the 2021 - 2022 license renewal. Motion passed unanimously.

b. Melanie Rettler, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **grant** Dr. Rettler a three (3) month extension to complete the continuing education requirement for the 2021 - 2022 license renewal. Motion passed unanimously.

c. Richard E. Soltero, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **grant** Dr. Soltero a four (4) month extension to complete the continuing education requirement for the 2021 - 2022 license renewal. Motion passed unanimously.

d. Cheryl Rahal, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to **deny** Dr. Rahal's request for continuing education waiver due to insufficient information. Motion passed unanimously.

2. Board may review, discuss, and take action on American Association of Veterinary State Boards' Call for Bylaws Amendments.

After discussion and consideration, the Board directed staff to place this matter on a future Board agenda.

3. Board may review, discuss, and take action on letter from American Academy of Veterinary Acupuncture regarding their Position Statement Regarding the Use of Acupuncture for the Treatment of Animals.

No action taken.

4. Board may review, discuss, and take action on letter to the Board regarding DEI (diversity, equity, and inclusion) as a Continuing Education requirement for veterinarians and certified veterinary technicians.

No action taken.

5. Board may review, discuss, and take action on veterinary renewal applications:

a. Matthew Keller, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to **approve** Dr. Keller's veterinary renewal application and requested him to submit information to the Board within 30 days after resolution. Motion passed unanimously.

b. Ayman Ibrahim, DVM

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to **approve** Dr. Ibrahim's veterinary renewal application and requested him to submit information to the Board within 30 days after resolution. Motion passed unanimously.

6. Board may review, discuss, and take action on Certified Veterinary Technician renewal applications:

a. Angela Ryan, CVT

➤ At 11:27am, after discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to go into executive session for legal advice.

➤ At 11:39am, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to open an investigation to obtain information with respect to charges Ms. Ryan failed to report in a timely manner. Information should include police reports, court documents, and substances Ms. Ryan was taking that led her to seek treatment. Motion passed unanimously.

7. Board may review, discuss, and take action on the approval of Interim Consent Agreement for Tressa MacLennan, DVM – Case 21-66.

Dr. MacLennan was present with attorney Susan Trujillo, and made statements.

- At 10:08am, after discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.

- At 10:28am, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to adopt the Interim Consent Agreement as drafted.

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

8. Board may review, discuss, and take action on premises license application for “Adrienne Mulligan, DVM” mobile unit.

No action taken.

9. Board may review, discuss, and take action on process of review of open and dismissed complaints from other states which are reported on license and/or certificate renewal applications.

After discussion and consideration, the Board gave Ms. Whitmore the authority to memorialize information in the licensee and/or certificate holders file, with respect to open or dismissed complaints that are received from other states, and/or request more information if needed.

10. Board may review, discuss, and take action regarding whether the three hour of opioid-related, substance use disorder-related or addiction-related continuing medical education that is required by A.R.S. 32-3248.02 each license renewal cycle as part of any continuing education requirements may be satisfied by utilizing the provision of A.A.C. R3-11-401(A)(4)(c) which allows reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances.

After discussion and consideration, the Board interpreted the Rule that allows reading articles in veterinary journals or periodicals pertaining to veterinary medicine or controlled substances, to include the required three hours of opioid-related, substance use disorder-related or addiction-related continuing medical education.

11. Board may review, discuss, and take action regarding in-person premises inspections.

After discussion and consideration, the Board gave Ms. Whitmore the authority to determine when in person, on-site, premises inspections should be resumed.

VI. REVIEW AND APPROVAL OF MINUTES

1. November 18, 2020 Regular Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to approve the November 18, 2020 regular session minutes. Motion passed 5 ayes, 1 abstention (Dr. Byrne).

2. November 18, 2020 Executive Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Heinrich to approve the November 18, 2020 executive session minutes. Motion passed 5 ayes, 1 abstention (Dr. Byrne).

VII. CALL TO THE PUBLIC

Unable to reach Mr. Johnny Johnson who wanted to appear telephonically to speak to the Board.

VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, January 20, 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.

IX. ADJOURNMENT

Meeting was adjourned at 12:54 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director