



DOUGLAS A. DUCEY
- GOVERNOR -

VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH RD., STE. 100 ♣ SCOTTSDALE, ARIZONA 85258
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VETBOARD.AZ.GOV

MINUTES

February 17, 2016

Board Room, at 8:30 a.m.
9535 E. Doubletree Ranch Rd.
Scottsdale, Arizona 85258

Members Present: Mr. James Loughhead, Dr. Christina Bertch-Mumaw, Ms. Nikki Frost, C.V.T., Dr. Les Hatfield, Ms. Jessica Amend, Dr. Sarah Heinrich, Dr. Darren Wright, and Ms. Julie Young.

Members Absent: Dr. J. Greg Byrne.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director (E.D.); Ms. Sunita Krishna, Assistant Attorney General (A.A.G.); and Ms. Tracy Riendeau, C.V.T., Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Ms. Victoria Whitmore at 8:40a.m.

II. INITIAL INVESTIGATIVE REVIEW

1. 16-25, In Re: Lori Forgues, D.V.M.

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

2. 16-27, In Re: Connie Sanders, D.V.M.

Ms. Frost was recused. Dr. Sanders was present with attorney, David Stoll, and made statements. Ms. Maria Bux was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to schedule this matter for an **informal interview**. Motion passed 6 ayes, 1 nay (Dr. Hatfield) and 1 recusal (Ms. Frost).

3. 16-28, In Re: Delia Gregory-McDonald, D.V.M.

Ms. Frost was recused. Attorney, David Stoll, was present to monitor. Ms. Maria Bux was present and made statements. After discussion and consideration, a motion was made by Dr. Wright to dismiss this issue with no violation. No second; motion failed.

After further 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 5 ayes, 2 nays (Dr. Hatfield, Dr. Heinrich) and 1 recusal (Ms. Frost).

III. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-02: In Re: David Bone, D.V.M.

Dr. Bone was present, made statements, and answered questions. Mr. Ernest Manning was present, made statements and answered questions. Ms. Lea Whitis was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to issue Dr. Bone a **Letter of Concern** for lack of communication with client regarding the possibility of not euthanizing a pet for which the owner has given consent. Motion passed unanimously.

2. 16-34: In Re: Anna George, D.V.M.

Dr. George was present, made statements, and answered questions. Mr. Ernest Manning was present, made statements and answered questions. Ms. Lea Whitis was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to find Dr. George 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 having the pet owner stay to speak with a veterinarian or informing the pet owner that there was a possibility the animal would not be euthanized;
- Not obtaining adequate contact information from the pet owner; and
- Not attempting to contact the pet owner by mail.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Frost, aye; Ms. Amend, nay; Mr. Loughhead, nay; Ms. Young, nay; Dr. Heinrich, nay; and Dr. Wright, aye. **Motion failed.**

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Young to issue Dr. George a **Letter of Concern** for lack of communication with client regarding the possibility of not euthanizing a pet for which the owner has given consent, lack of obtaining current client information, and lack of attempting to contact the pet owner by mail. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1.15-13, In Re: Kimberlei Hurst, D.V.M. Quarterly Board appearance in compliance with Board Order.

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

2.14-90, In Re: Michael Ferrara, D.V.M. Board may review, discuss, and take action on Continuing Education (CE) completed as required by Board Order and may return license to Active status.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to accept Dr. Ferrara's completion of his continuing education as

required by his Board Order and return his license to Active status. Motion passed unanimously.

3.15-33, In Re: Emily Clinton, D.V.M. Board may review, discuss, and take action on Continuing Education (CE) completed as required by Board Order and may return license to Active status.

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

4.15-12, In Re: Michelle Morrison, D.V.M. Board may review, discuss, and take action on Continuing Education (CE) completed as required by Board Order and may return license to Active status.

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

5.15-97, In Re: John Carr, D.V.M. Board may review, discuss, and take action on Continuing Education (CE) plan submitted as required by Board Order.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to approve Dr. Carr's continuing education plan as submitted as required by his Board Order. Dr. Carr may use the 25 hour CE course to fulfil his Board Order and the remaining hours may be used for his 2017 – 2018 license renewal. Motion passed 7 ayes, 1 nay (Ms. Young).

6.16-19, In Re: Michael Ferrera, D.V.M. Board may review, discuss, and take action on consideration of rescheduling informal interview.

No action taken.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on certified veterinary technician application.

a. Serena Causey

After discussion and consideration, the Board directed staff to request Ms. Causey to appear before the Board at a future meeting.

b. Megan McElfresh

Ms. McElfresh appeared before the Board, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to allow Ms. McElfresh to sit for the Certified Veterinary Technician exam. Motion passed unanimously.

2. Board may review, discuss, and take action on veterinary license applications from those listed below.

a. Glenn Park, D.V.M.

Dr. Park appeared before the Board, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to approve Dr. Park's veterinary license application. Motion passed 7 ayes, 1 absent (Ms. Amend).

b. Timothy Chiasson, D.V.M.

Dr. Chiasson appeared before the Board, made statements and answered questions.

- At 9:12 a.m., after discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Bertch-Mumaw to go into executive session to obtain legal advice.
- At 9:17 a.m. the Board returned to open session.
- At 9:33 a.m., after further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to go back into executive session to obtain legal advice.
- At 9:40 a.m. the Board returned to open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Bertch-Mumaw to approve Dr. Chiasson's veterinary license application and offer a Consent Agreement outlining terms of practice limitations. Motion passed unanimously.

3. Board may review, discuss, and take action on request for approval of continuing education for San Diego County Veterinary Medical Association Spring Conference 2016.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve continuing education for San Diego County Veterinary Medical Association Spring Conference 2016. Motion passed unanimously.

4. Board may review, discuss, and take action on anonymous information received regarding possible unlicensed practitioner.

No action taken.

5. Board may review, discuss, and take action on information forwarded from Arizona Board of Chiropractic Examiners regarding a veterinarian providing animal chiropractic services.

No action taken.

6. Board may review, discuss, and take action on 2016-2019 Letter of Agreement with American Association of Veterinary State Boards (AAVSB) regarding administration and maintenance of the Veterinary Technician National Examination (VTNE).

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to accept the 2016-2019 Letter of Agreement with the AAVSB regarding the administration and maintenance of the VTNE. Motion passed unanimously.

7. Board may review, discuss, and take action on request for approval of continuing education for California Veterinary Medical Association's Pacific Veterinary Conference.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by

Dr. Wright to approve continuing education for the California Veterinary Medical Association's Pacific Veterinary Conference. Motion passed unanimously.

8. Board may review, discuss, and take action on Veterinary License pending submission of issuance fee and/or proof of graduation.

- a. **Analys Castillo**
- b. **Crystal Delano**
- c. **Fabio Mena**
- d. **Alexis Siler**
- e. **Christopher Stockmann**

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Wright to approve the above veterinary licenses pending submission of issuance fee and/or proof of graduation. Motion passed unanimously.

9. Board may review, discuss, and take action on denial of Veterinary License for failure to pass the State exam. List available upon request.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Wright to deny veterinary licensure for applicants that failed to pass the State exam. Motion passed unanimously.

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

Ms. Krishna updated the Board on the pending lawsuit.

- At 12:16 p.m., after discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Wright to go into executive session to obtain legal advice.
- At 12:22 p.m. the Board returned to open session.

11. Executive Director Report

a. Executive Order 2016-03, Rule Moratorium

Ms. Whitmore reported that the Governor has issued a new Executive Order, which extends the rule moratorium originally ordered in January 2015. There are exceptions to the moratorium.

b. Legislative update (HB2501, HB2613, HB2337, HB2517)

Ms. Whitmore gave an overview of the following legislative bills that have been introduced this session:

- HB2501: proposes moving many health care regulatory agencies to the Arizona Department of Health Services in phases. This is being monitored.
- HB2613: part of a larger bill, one section proposes that ADOA conduct a study to review combining non-health regulatory agencies in Title 32 into ADOA. This is being monitored.
- HB2337: related to agencies that conduct inspections. Adds language that the regulated person be given opportunity to correct deficiencies before receiving sanctions. The agency has historically done this, so no impact is expected.

- HB2517: requires agencies to conduct a comprehensive review of all entry regulations within one year to determine if regulation is necessary to meet objectives. This is being monitored.
- c. March 16, 2016 meeting logistics**
Ms. Whitmore explained that a lengthy formal hearing is scheduled for this meeting, thus, to plan to be present through the entire afternoon.

VI. REVIEW AND APPROVAL OF MINUTES

a. October 21, 2015 Regular Session

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to invoke the rule of impossibility in order to approve the October 21, 2015 Regular Session Board Minutes as drafted. It is impossible to obtain quorum since only four (4) of the five (5) Board members in attendance at that meeting are still Board members. Motion passed unanimously.

b. January 20, 2016 Regular Session

Approval pending until quorum from that meeting is available.

c. January 20, 2016 Executive Session

Approval pending until quorum from that meeting is available.

d. February 5, 2016 Special Meeting Regular Session

Approval pending until quorum from that meeting is available.

VII. CONSENT AGENDA

A. Approval to take State Veterinary Exam

1. Carner, Helena (R)
2. Deppert, Kevin (R)
3. Patel, Dharti (R)
4. Rowand, Carol (R)
5. Bush, Jessica (R)
6. Crouch, Kirsten (R)
7. Fischer, Howard (E)
8. Jurasek, Megan (E)
9. Niemiec, Brook (E)
10. Stitt, Jennifer (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Premise Licenses

1. R2596: Veterinary Emergency And Specialty Center of Northern Arizona. New Responsible Veterinarian. Toni Barnes, DVM.
2. R2597: Quartz Mountain Animal Hospital. New Owner, New Responsible Veterinarian. Diego Florez, DVM.
3. R2598: Companion Pet Clinic. New Responsible Veterinarian. Rebecca Carpenter, DVM.
4. R2600: Arizona Animal Wellness Center. New Address. Parva Bezrutczyk, DVM.
5. R2602: Pusch Ridge Pet Clinic. New Owner. Gregory Lee, DVM.

6. R2603: Verde Veterinary Hospital. New Responsible Veterinarian. Sarah Tremper, DVM.
7. R2604: Spay Neuter Clinic. New Owner, New Responsible Veterinarian. Sheryl Harmon, DVM.
8. R2605: Sabino Veterinary Care. Address Change. James Stofft, DVM.
9. R2606: Bell Rock Veterinary Clinic. New Owner, New Responsible Veterinarian. Rachelle Jarvis, DVM.
10. R2607: Eye Care for Animals - Tucson. New Premise. Reuben Merideth, DVM.
11. R2618: Verde Valley Roaming Veterinary Services. New Owner. Monica Mongini, DVM.

**B (1), (9) and (10) removed from Consent Agenda.
Approval of Premise Licenses granted.**

C. Random Premise Inspections

1. P0683: Strickland Veterinary Clinic. Mary Strickland, DVM.
2. P0963: Spanish Trail Pet Clinic. Donald DeShazer, DVM.
3. R0194: Highland Housecalls. William Kurmes, DVM.
4. R0208: Cat Hospital of Tucson. Minta Keyes, DVM.
5. R1243: Central Arizona Equine. James Bleak, DVM.
6. R1499: Sunrise Pet Clinic. Janet Forrer, DVM.
7. R1532: Central Animal Hospital. Michael Samuels, DVM.
8. R1568: Paws Veterinary Clinic. Wendy Holst, DVM.

**C (5) removed from Consent Agenda.
Approval of Random Premise Inspections granted.**

D. Approval of Premise Change of Scope Requests.

1. R0208: Cat Hospital of Tucson. Add Mobile Unit. Minta Keyes, DVM.
2. R1499: Sunrise Pet Clinic. Add Mobile Unit. Janet Forrer, DVM.
3. R2534: Purrfurred Pets Veterinary Clinic. Add Mobile Unit. Ann Carvell, DVM.

Approval of Premise Change of Scope Requests granted.

E. Approval of Reinstatement of Certification of Technician

1. Sanchez, Lisa

Approval of Certified Veterinary Technician Reinstatement granted.

F. Approval of Temporary Permits

1. Deppert, Kevin (R)
2. Patel, Dharti (R)
3. Bush, Jessica (R)
4. Crouch, Kirsten (R)
5. Fischer, Howard (E)
6. Nanda, Natasha (R)
7. Niemiec, Brook (E)

Approval of Temporary Permits granted.

G. Approval to take the Certified Veterinary Technician Exams

1. Ackley, Jessica
2. Ahern, Kaydie
3. Aldana, Christina
4. Anderson, Amanda
5. Betancourt, Jacob

6. Brown, Molly
7. Bryant, Kaitlyn
8. Dixon, Rachel
9. Eathing, Katelyn
10. Elwood, Hannah
11. Fleitz, Amber
12. Florencio, Armelin
13. Garcia, Devyn
14. Horton, MaCinda
15. Johnson, Hayley
16. Johnson, Stephanie
17. Judd, Sierra
18. Leitzell, Kimberly
19. Littlefield, Jamie
20. Martinez, Ileana
21. Mathis-Gregory, Felicia
22. Miller, Jessica
23. Mintner, Sherri
24. Padilla, Jose
25. Philippsen, Kimberly
26. Robertson, Hannah
27. Saline, Starla
28. Spiker, Cassandra
29. Staerkel, Adam
30. Sweaney, Ashley
31. Trifkovic, Milanka
32. Walls, Brittany
33. Wasser, Elaine
34. Weber, Chelsea
35. Whitmarsh, Sandra
36. McAfee, Georgia
37. Wetmore, Korrie

Approval to take the Certified Veterinary Technician State Exam granted.

H. Approval of Reinstatement of Veterinarian

1. Allbright, Jean

I. Approval of Veterinary License

1. Allred, Giles (E)
2. Berglund, Kimberly (E)
3. Brosnahan, Margaret (E)
4. Cox, Karina (E)
5. Adele Murad (R)
6. Szasz, Istavan (E)

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to approve the Consent Agenda as amended. Motion passed unanimously.

Items Removed From Consent Agenda

B (1) R2596: Veterinary Emergency And Specialty Center of Northern Arizona. New Responsible Veterinarian. Toni Barnes, DVM.

B (9) R2606: Bell Rock Veterinary Clinic. New Owner, New Responsible Veterinarian. Rachelle Jarvis, DVM.

Dr. Bertch-Mumaw recused. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to approve the above premise licenses. Motion passed 6 ayes, 1 recusal.

B (10) R2607: Eye Care for Animals – Tucson. New Premise. Reuben Merideth, DVM.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Wright to approve the premise license pending compliance. Motion passed unanimously.

C (5) R1243: Central Arizona Equine. James Bleak, DVM.

Dr. Bertch-Mumaw recused. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to approve the above random premise inspection. Motion passed 6 ayes, 1 recusal.

IX. SUMMARY OF CURRENT EVENTS

No current events.

X. CALL TO PUBLIC

No member of the public wished to speak.

XI. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on March 16, 2016, beginning at 8:30 a.m. at 9535 E. Doubletree Ranch Road, Scottsdale, Arizona, 85258, in the Board Room.

XII. ADJOURNMENT

The meeting adjourned at 12:36 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director