

KATIE HOBBS
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

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VETBOARD.AZ.GOV

MINUTES

February 21, 2024 at 8:30am

1740 W. Adams Street, Board Room B

Phoenix, Arizona 85007

Members Present: Dr. Robyn Jaynes (left at 6:15pm), Dr. Darren Wright, Ms. Jane Soloman, Ms. Jessica Creager, Dr. Craig Nausley, and Ms. Nikki Frost, CVT.

Members Absent: Dr. J Greg Byrne and 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; and Ms. Annelise VanSchoelandt, Premises Compliance Specialist;

I. CALL TO ORDER

Roll call: Dr. Jaynes at 8:33 am.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES

1. 24-17, In Re: Ka'ryn Cornutt, DVM

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

2. 24-30, In Re: Jonathan Schnier, DVM

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

3. 24-32, In Re: Wm. Sean Penn, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 4 ayes, 2 nays (Dr. Nausley and Ms. Soloman), and 1 absent (Dr. Jaynes).

4. 24-33, In Re: Kathleen Schwemer, DVM

Dr. Schwemer was present with attorney Daniel Coumides and made statements. Mr. Brian Magerr and Ms. Janice Lai were present and made statements. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Jaynes to dismiss this issue with no violation and issue a Letter of Concern with respect to Respondent's failure to closely monitor the action of technical staff involved with her procedure. Roll call: Ms. Frost, nay; Ms. Soloman, nay; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, nay. **Motion failed 3 ayes, 3 nays.**

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

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to offer Dr. Schwemer an Consent Agreement to accept the Investigative Committee's recommendation and find Dr. Schwemer in violation of **A.R.S § 32-2232 (11) Gross negligence**; failure to select the appropriate endotracheal tube size and/or supervise staff's placement of the endotracheal tube in the dog which had an injurious result and led to the death of the dog. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, nay; Ms. Creager, aye; Dr. Nausley, nay; and Dr. Wright, aye. **Motion passed 4 ayes, 2 nays.**

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Frost to adopt the Investigative Committee's Findings of Fact and Conclusions of Law as the Board's Findings of Fact and Conclusions of Law. Motion passed 4 ayes, 2 nays (Dr. Jaynes and Dr. Nausley).

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to offer Dr. Schwemer a **Consent Agreement** that includes a period of Probation for one (1) year to obtain additional four **(4) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those four (4) shall be in **anesthesia induction and monitoring**. Motion passed 4 ayes, 2 nays (Dr. Jaynes and Dr. Nausley).

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to **open an investigation** with respect to the premises license holder, **Laura Sosnow, DVM**, for failure to have the necessary training in place at the time of the incident. Motion passed unanimously.

5. 24-35, In Re: Kellie Ayle, DVM

Dr. Jaynes was recused. Attorney David Stoll was present to monitor. Ms. Tara Pollard was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to reject the Investigative Committee's recommendation and find Dr. Ayle in violation of **A.R.S. § 32-2232 (12)** as it relates to **AAC R3-11-501 (1)** for failure to provide professionally acceptable procedures with respect to missing an infection at the time of the spay surgery. Motion passed 5 ayes, 1 recusal.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to offer Dr. Ayle a Consent Agreement, amending the Investigative Committee's proposed Findings of Fact as the Board's Findings of Fact by adding information into the Findings of Fact regarding the cat's abnormal uterus and likely infection noted at the time of the procedure. Motion passed 5 ayes, 1 recusal.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to offer Dr. Ayle a **Consent Agreement** that includes a period of **Probation for one (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 be in **pyometra and/or abnormal spay procedures**. Motion passed 5 ayes, 1 recusal.

6. 24-36, In Re: Connie Cannady, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Cannady. Ms. Noelle Russow was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to reject the Investigative Committee's recommendation and dismiss this issue with no violation and issue a **Letter of Concern** with respect to Respondent's staff's communication not being transparent. Motion passed 5 ayes, 1 nay (Ms. Soloman).

7. 24-37, In Re: Rick Howard, DVM

Attorney David Stoll was present to monitor. Ms. Kalie Velasco was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to schedule this matter to an **Informal Interview**. Motion passed unanimously.

8. 24-39, In Re: Melanie Bliudzius, DVM

Ms. Sandra Medivitz was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Frost to accept the Investigative Committee's recommendation finding Dr. Bliudzius in violation of **A.R.S. § 32-2232 (11) Gross negligence**; Respondent ligated the cat's ureters during a spay procedure, compromising kidney function, which resulted in the pet owner euthanizing the cat. Motion passed unanimously.

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

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Frost to offer Dr. Bliudzius a Consent Agreement that includes a period of **Probation for one (1) year** to obtain an additional **four (4) hours of continuing education** in addition to the statutory requirements to maintain license. Those four (4) hours shall be in **elective/abdominal/reproductive surgery**. The Consent Agreement shall also compel Dr. Bliudzius supply a **written statement** to the Board on how this incident occurred and what is Dr. Bliudzius doing to mitigate this from occurring again in the future. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. **Motion passed unanimously.**

9. 24-40, In Re: Jeremy Bowers, 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 5 ayes, 1 absent (Dr. Jaynes).

10. 24-43, In Re: Kathryn Linden, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Linden. Ms. Jennifer McGuire was present 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 find Dr. Linden in violation of:

- **A.R.S. § 32-2232 (11) Malpractice**; overall inappropriate management of a diabetic case – Dr. Linden did not make appropriate treatment recommendations and provide diabetic consultation of what to expect; did not offer proper nutrition for a diabetic patient; and did not recommend further diagnostics including a glucose curve and/or fructosamine. Motion passed unanimously.
- After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to find Dr. Linden in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide professional acceptable procedures for not seeking assistance in the management of a diabetic case where insufficient knowledge of diabetes was present resulting in the death of a patient. Motion passed unanimously.
- After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to find Dr. Linden in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide courteous verbal or written interchange by failing to communicate all the necessary information concerning diabetes mellitus to the pet owner. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to offer Dr. Linden a **Consent Agreement** 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 modify the Investigative Committee's proposed Conclusions of Law as stated as the Board's Conclusion of Law. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to offer Dr. Linden a Consent Agreement that includes a period of **Probation for one (1) year** to obtain an additional **six (6) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those six (6) hours shall include:

- **Four (4) hours** in Diabetes Mellitus management and treatment; and
- **Two (2) hours** in Client Communication.

Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to include in the Consent Agreement that Dr. Linden shall **reimburse fees** to Complainant, within 90 days of the effective date of the Consent Agreement, for the veterinary services that occurred on the following dates:

- **June 1, 2023;**
- **June 15, 2023;**
- **June 21, 2023;** and
- **August 3, 2023**

Motion passed unanimously.

11. 24-44, In Re: Paula Tyler, DVM

Attorney David Stoll was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to offer Dr. Tyler a **Consent Agreement**, adopting the Investigative Committee's proposed Findings of Fact as the Board's Findings of Fact, and modifying the Investigative Committee's Conclusions of Law, finding Dr. Tyler in violation of **A.R.S. § 32-2232 (21)** failure to maintain adequate records of veterinary services provided for not performing an exam on the dog on June 1, 2023. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to offer Dr. Tyler a Consent Agreement that includes a **Decree of Censure**. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

12. 24-58, In Re: Leigh Jackson, DVM

Ms. Frost was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal.

13. 24-59, In Re: Laura McMahan, DVM

Ms. Frost was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal.

14. 24-71, In Re: Melissa Guzman, DVM

Ms. Frost was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **dismiss** this issue with no violation. Motion passed 5 ayes, 1 recusal.

15. 24-75, In Re: Diego Florez, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to offer Dr. Florez a Consent Agreement adopting the Findings of Fact in the Investigative Division Report and finding Dr. Florez in violation of the following:

- **A.R.S. 32-2274 (A) (6)** as it relates to:
 - **A.A.C. R3-11-502 (H) (2)**; failure to document in the medical record a diagnosis on pre-anesthesia exam;
 - **A.A.C. R3-11-502 (H) (3)**; failure to document in the medical record the animal's heartrate and respiratory rate immediately after induction and every 15 minutes thereafter; and
 - **A.A.C. R3-11-502 (L) (4)**; failure to consistently document in the medical record results of an animal's exam.
- **A.R.S. § 32-2274 (A) (5)** as it relates to:
 - **A.A.C. R3-11-502 (D)**; expired supplies were found on premises;
 - **A.A.C. R3-11-502 (J) (2)**; expired pharmacy items items found on premises;
 - **A.A.C. R3-11-802**; repackaged medications without proper labeling were found on the premises; and
 - **A.A.C. R3-11-502 (I)**; drugs stored on the premises were not at manufacturer's requirements.
- **A.R.S. 32-2274 (A) (4)** as it relates to:

- **A.A.C. R3-11-502 (K) (3)**; failure to have consistency in recording medications in the controlled substance dispensing log; and
- **A.A.C. R3-11-801 (A)**; failure to advise the public that prescription only drugs and controlled substances are available at outside pharmacy.
- **A.R.S. 32-2274 (A) (3)** as it relates to:
 - **A.A.C. R3-11-502 (H) (5)**; failure to consistently record entries in anesthesia log; and
 - **A.A.C. R3-11-502 (L) (5)**; failure to document a tentative or definitive diagnosis in medical records.

The Consent Agreement shall include a period of **Probation for one (1) year** to obtain an additional **eight (8) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those eight (8) hours shall be in:

- Two (2) hours in **medical record keeping**;
- Two (2) hours in **controlled substance management**;
- Two (2) hours in **practice management**; and
- Two (2) hours in **anesthesia examinations and monitoring**.

The premises shall be **re-inspected** on or before the end of the Probationary period and a **civil penalty of \$2500** shall be paid on or before the end of the Probationary period. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, absent; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed 5 ayes, 1 absent.

16. 24-76, In Re: Diego Florez, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to offer Dr. Florez a **Consent Agreement** adopting the Findings of Fact in the Investigative Division Report and finding Dr. Florez in violation of:

- **A.R.S. § 32-2274 (A) (5)** as it relates to:
 - **A.A.C. R3-11-502 (D)**; expired supplies were found on premises;
 - **A.A.C. R3-11-502 (J) (2)**; expired pharmacy were items found on premises;
 - **A.A.C. R3-11-802**; repackaged medications without proper labeling were found on the premises; and
 - **A.A.C. R3-11-502 (I)**; drugs stored on the premises were not at manufacturer's requirements.
- **A.R.S. § 32-2274 (A) (4)** as it relates to **A.A.C R3-11-502 (K) (2)**; failure to have consistency in recording medications in the controlled substance inventory log.
- **A.R.S. § 32-2274 (A) (3)** as it relates to:
 - **A.A.C. R3-11-502 (H) (5)**; failure to consistently record entries in anesthesia log; and
 - **A.A.C. R3-11-502 (L) (7)**; failure to document the route of medications administered.

Motion passed 5 ayes, 1 absent (Dr. Jaynes).

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to issue Dr. Florez a Consent Agreement that includes a **civil penalty of \$1700** on or before the end of the Probationary period. The Board directed staff to consolidate cases 24-75, In Re: Diego Florez, DVM and 24-76, In Re: Diego Florez, DVM, and issue one Consent Agreement. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, absent; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed 5 ayes, 1 absent.

17. 24-77, In Re: Audie Wood, DVM

Dr. Wood was present and made statements. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to offer Dr. Wood a Consent Agreement, adopting the Findings of Fact in the Investigative Division Report and finding Dr. Wood in violation of:

- **A.R.S. § 32-2274 (A) (6)** as it relates to:
 - **A.A.C. R3-11-502 (H) (2)**; failure to document in the medical record a diagnosis on pre-anesthesia exam;
 - **A.A.C. R3-11-502 (H) (3)**; failure to document in the medical record the animal's heartrate and respiratory rate immediately after induction and every 15 minutes thereafter; and
 - **A.A.C. R3-11-502 (L) (6)**; failure to consistently document in the medical record the treatment provided to an animal.
- **A.R.S. § 32-2274 (A) (5)** as it relates to:
 - **A.A.C. R3-11-502 (D)**; expired supplies were found on premises; and
 - **A.A.C. R3-11-502 (J) (2)**; expired pharmacy were items found on premises;
- **A.R.S. § 32-2274 (A) (4)** as it relates to:
 - **A.A.C. R3-11-502 (K) (2)**; failure to have consistency in recording medications in the controlled substance inventory log; and
 - **A.A.C. R3-11-502 (K) (3)**; failure to have consistency in recording medications in the controlled substance dispensing log.

Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to offer Dr. Wood a Consent Agreement that includes a period of **Probation for one (1) year** to obtain an additional **eight (8) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those eight (8) hours shall be in:

- Two (2) hours in **medical record keeping**;
- Two (2) hours in **controlled substance management**;
- Two (2) hours in **practice management**; and
- Two (2) hours in **pre-anesthesia examinations and monitoring**.

The premises shall be **re-inspected** on or before the end of the Probationary period and a **civil penalty of \$1800** shall be paid on or before the end of the Probationary period. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

18. 24-78, In Re: Kellie Shamrell, DVM

Dr. Shamrell was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to offer Dr. Shamrell a Consent Agreement, adopting the Findings of Fact in the Investigative Division Report and finding Dr. Shamrell in violation of:

- **A.R.S. § 32-2274 (A) (6)** as it relates to:
 - **A.A.C. R3-11-502 (H) (5)**; failure to consistently record entries in anesthesia log; and
 - **A.A.C. R3-11-502 (L) (6)**; failure to consistently document in the medical record the treatment provided to an animal.
- **A.R.S. § 32-2274 (A) (5)** as it relates to:
 - **A.A.C. R3-11-502 (D)**; expired supplies were found on premises; and
 - **A.A.C. R3-11-502 (J) (2)**; expired pharmacy were items found on premises;
- **A.R.S. § 32-2274 (A) (4)** as it relates to:

- **A.A.C. R3-11-502 (K) (2)**; failure to have consistency in recording medications in the controlled substance inventory log; and
- **A.A.C. R3-11-502 (K) (3)**; failure to have consistency in recording medications in the controlled substance dispensing log.
- **A.R.S. § 32-2274 (A) (3)** as it relates to **A.A.C. R3-11-701 (2)** Needs signage.
- **A.R.S. § 32-2281 (A) (1) (a)** information omitted on prescription labels.

Motion passed unanimously.

After further discussion and consideration, a motion was made Ms. Soloman and seconded by Dr. Jaynes to offer Dr. Shamrell a Consent Agreement that includes a period of **Probation for one (1) year** to obtain an additional **eight (8) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those eight (8) hours shall be in:

- Two (2) hours in **medical record keeping**;
- Two (2) hours in **controlled substance management**; and
- Four (4) hours in **practice management**.

The premises shall be **re-inspected** on or before the end of the Probationary period and a **civil penalty of \$1000** shall be paid on or before the end of the Probationary period. Roll call: Ms. Frost, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

19. 24-79, In Re: Timothy Chiasson, DVM

Dr. Nausley was recused. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter for an **Informal Interview**. Motion passed 5 ayes, 1 recusal.

20. 24-107, In Re: Tamara Pauletto, DVM

Ms. Frost was recused. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to issue Dr. Pauletto an **Interim Order** that requires her to undergo a substance use evaluation by Board approved addictionologist and a psychological examination conducted by a licensed health care professional that can ensure that Dr. Pauletto can safely and competently practice veterinary medicine - the Board has granted Ms. Whitmore the authority to approve Dr. Pauletto's proposed evaluators. Dr. Pauletto shall be evaluated and have reports to the Board within 30 days of the effective date of the Interim Order. The Board also directed staff to notify the DEA of the reported incident. Roll call: Ms. Frost, recused; Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed 5 ayes, 1 recusal.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 24-15, In Re: Hannah Schaefer, DVM

Dr. Schaefer was present with attorney Cody Hall, made statements and answered questions. Mr. Robert Orozco was present, made statements and answered questions. Ms. Patricia Orozco was present, made statements and answered questions.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Jaynes to find Dr. Schaefer in violation of **A.R.S. § 32-2232 (21)** failure to maintain adequate records of veterinary services provided with respect to the documented time it took between when the cat was sedated enough to proceed with the dental procedure, to the time the sevoflurane was turned off - these timeframes were unrealistic. Additionally,

post-op vitals were reportedly documented incorrectly – medical record states the cat's HR = 60bpm – Dr. Schaefer stated that it was not that low, it was more like 100 – 120bpm. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to find Dr. Schaefer in violation of **A.R.S. § 32-2232 (22) Medical Incompetence** due to the inappropriate administration of excess amount of propofol and failure to support the patient's respiration resulting in hypoxia and ultimate death. Roll call: Ms. Frost, nay; Ms. Soloman, aye; Dr. Jaynes, nay; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, nay. **Motion failed 3 ayes, 3 nays.**

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to find Dr. Schaefer 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 and use of current professional and scientific knowledge due to the inappropriate administration of excess amount of propofol and failure to support the patient's respiration resulting in hypoxia and ultimate death. Motion passed unanimously.

2. 24-69, In Re: Tracey Marvelle, DVM

Dr. Marvelle was present with attorney David Stoll, made statements and answered questions. Ms. Alicia Douglas was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring that she is keeping up to date with current practices and procedures. Motion passed unanimously.

3. 24-70, In Re: Bryan Hayter, DVM

Dr. Hayter was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to **dismiss** issue with no violation.

After further discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Nausley to direct staff to re-inspect the premises within the year. Based on **A.R.S. § 32-2272 (B) (2)** which requires the responsible veterinarian to reside in the state - if Dr. Hayter does not submit a new premises application to the Board within two weeks, the matter will be placed on the agenda for the Board's consideration. Motion passed unanimously.

4. 24-20, In Re: Danielle Powers, DVM

Dr. Powers appeared telephonically, made statements and answered questions; attorney David Stoll was present. Ms. Christine Marquez and Mr. Jesse Lehman were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to **dismiss** this issue with no violation. Motion passed unanimously.

5. 24-22, In Re: Nilin Gupta, BVSc

Dr. Gupta appeared telephonically, made statements and answered questions; attorney David Stoll was present. Ms. Kathleen Seymour appeared telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to find Dr. Gupta 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

and use of current professional and scientific knowledge for not following the protocols for using SDMA correctly and failure to adequately treat the azotemia. Motion passed unanimously.

6. 24-24, In Re: Brenda Reed, DVM

Dr. Reed was present with attorney David Stoll, made statements and answered questions. Ms. Judith Ravner appeared telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to dismiss this issue with no violation and issue a **Letter of Concern** as the patient would have likely benefited from further cardiac workup when his condition was declining. Motion passed 5 ayes, 1 nay (Dr. Wright).

7. 24-07, In Re: Brandi Mattison, DVM

Dr. Mattison was present with attorney Dani Chronister, made statements and answered questions. Mr. and Mrs. James Freeman were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to dismiss this issue with no violation and issue a Letter of Concern for ensuring staff is trained to the perform services they are directed to do. **Motion failed 2 ayes, 4 nays.**

- *At 5:44pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.*
- *At 5:47pm, the Board entered back into open session.*

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring technical staff are trained and policies and practices are in place to prevent the switching of lines from happening in the future. Roll call: Ms. Frost, aye; Ms. Soloman, nay; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; and Dr. Wright, nay. Motion passed 4 ayes, 2 nays.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 23-80: In Re: Dawn Hunsberger, VMD. Board may review, discuss, and take action on testing information provided.

Dr. Nausley was recused. Dr. Hunsberger was present, made statements and answered questions in compliance with her Consent Agreement.

2. Combined cases 22-136 & 23-03: In Re: Maya Bellapianta, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on compliance with consent agreement and other information presented and may amend ICA.

Dr. Bellapianta was present with attorney Lisa Bivens, made statements and answered questions.

- *At 10:42am, a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session for legal advice. Motion passed unanimously.*

➤ *At 11:03am, the Board entered back into open session.*

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to **open an investigation** due to non-compliance of the Consent Agreement. Dr. Bellapianta has not submitted a candidate for a Board-approved therapist as required by her Interim Consent Agreement (Paragraph 4 (a) and (b)). Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to add to the opened investigation Dr. Bellapianta's failure to notify the Board of a change of address within seven (7) days as required by her Interim Consent Agreement. She moved on or around February 5, 2024 and has not notified the Board in writing to date. Motion passed unanimously.

The Board directed staff to place this matter on the March Board meeting agenda.

3. 24-34: In Re: Maya Bellapianta, DVM. Board may review, discuss, and take action on compliance with Interim Order for Evaluations.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to **open an investigation** with respect to Dr. Bellapianta's non-compliance with her Interim Order to be re-evaluated to ensure she can safely and competently practice. Motion passed unanimously.

The Board directed staff to place this matter on the March Board meeting agenda.

4. 19-71: In Re: Celeste Roy, DVM. Quarterly Board appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Roy was present telephonically, made statements and answered questions in compliance with her Consent Agreement.

5. 23-78: In Re: Sara McMichael, CVT. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on other information presented.

Ms. McMichael was present, made statements, and answered questions in compliance with her Consent Agreement.

6. 23-72: In Re: Simon Escalada, 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 Ms. Creager and seconded by Ms. Soloman to approve Dr. Escalada's continuing education plan submitted in compliance with his Board Order. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

7. 24-26: In Re: Roger Chen, 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 Ms. Creager and seconded by Ms. Soloman to approve Dr. Chen's continuing education plan submitted in compliance with his Consent Agreement. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

8. 23-75: In Re: Eliana Alvarez Calderon, DVM. Board may review, discuss, and take action on final Practice Monitor Report and compliance with Consent Agreement and may return license to Active status.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Dr. Calderon's compliance with her Consent Agreement and return her license back to Active status. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

9. 23-136: In Re: Estevan Fernandez, 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. Nausley and seconded by Ms. Creager to approve Dr. Fernandez's continuing education plan submitted in compliance with his Board Order. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

10. 23-135: In Re: Benjamin Merkel, 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 Ms. Creager and seconded by Dr. Wright to approve Dr. Merkel's continuing education plan in compliance with his Consent Agreement. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

11. 24-08: In Re: Dwight Benesh, DVM. Board may review, discuss, and take action on compliance with Consent Agreement.

No action taken.

12. 23-112: In Re: Jessica Seibel, DVM. Board may review, discuss, and take action on completion of Continuing Education as required by Board Order and may return license to Active status.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Dr. Seibel's completion of her continuing education in compliance with her Board Order and return her license back to Active status. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

13. 23-148: In Re: Heather Oyan, DVM. Board may review, discuss, and take action on compliance with Consent Agreement.

No action taken.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary license applications:

a. Karl Hintz

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to approve applicant Hintz's veterinary license application. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

b. Mark Robinson, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to approve applicant Robinson's veterinary license application. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

c. Christopher Boyd

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to approve applicant Boyd's veterinary license application. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

d. Lewis Hanks, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to approve applicant Hank's veterinary license application. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

2. Board may review, discuss, and take action on possible unlicensed practitioner Ricardo Marchena.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **open an investigation**. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

3. Board may review, discuss, and take action on 2023 Equal Opportunity Report and 2024 Non-Discrimination Policy.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the 2023 Equal Opportunity Report and 2024 Non-Discrimination Policy. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

4. Board may review, discuss, and take action on premises inspections:

a. R3866: Mile Hi Animal Hospital. Brice Smith, DVM

No action taken.

b. R4113: Urban Livestock & Equine Veterinary Services. Rachael McKinney, DVM

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to **open an investigation**. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

5. Board may review, discuss, and take action on animal crematory license applications:

a. C0065: Lakey Animal Crematory. Garrett Lakey, Responsible Owner.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to table this matter to a future Board meeting. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

6. Board may review, discuss, and take action on update regarding reportable charge, re: Wm. Sean Penn, DVM.

No action taken.

7. Board may review, discuss, and take action on Governor's letter to all healthcare boards regarding disciplinary action policies and procedures.

No action taken.

8. Board may review discuss, and take action on premise license applications for Bella Vet. New Premises. Maya Bellapianta, DVM.

Dr. Bellapianta was present, made statements and answer questions. It was discovered that Dr. Bellapianta had moved, nullifying the current premises application received at the Board office. She was advised to resubmit a new premises application and update her address in writing to the Board office as required statutorily and per her Interim Consent Agreement. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to table to the matter. Motion passed unanimously.

The Board re-visited the matter and no further action was taken.

9. Board may review, discuss, and take action on premises license application and Change of Scope Request to add surgery for R4355: Petsmart Veterinary Services. Jarrod Dorsey, DVM.

After discussion and consideration, the Board directed staff to re-inspect the premises in 3 – 6 months.

10. Board may review, discuss, and take action on legislative bills:

- a. HB2100 - administrative completeness review; licensing
- b. HB2686 – health profession regulatory boards
- c. SB1199 – veterinarian malpractice actions; damages
- d. SB1200 – veterinarians; malpractice actions; unprofessional conduct
- e. SB1201 – veterinarian board; complaints; records; specialists

Ms. Whitmore updated the Board with the above legislative bills.

11. Board may review, discuss, and take action on agency Conflict of Interest policy.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to approve the agency's Conflict of Interest policy. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

VI. REVIEW AND APPROVAL OF MINUTES

1. January 17, 2024 Regular Session

Tabled to a future Board meeting.

2. January 17, 2024 Executive Session

Tabled to a future Board meeting.

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R4331: Phoenix Veterinary Referral and Emergency. New Responsible Veterinarian. Mira Patel, DVM.
2. R4333: Family Pets Home Veterinary Care LLC. New Premises. Stacie Grannum, DVM.
3. R4334: Teton Equine Veterinary Practice. New Premises. Abby Matheus, DVM.
4. R4335: Pantano Animal Clinic. New Responsible Veterinarian. Emily Truong, DVM.
5. R4336: Jackson Veterinary Services. New Responsible Veterinarian/Owner. Etta Watts, DVM.
6. R4337: Dr. Kelly's Surgical Unit – East Mesa. New Premises. Kelly Patriquin, DVM.
7. R4338: Valkyrie Equine DVM LLC. New Premises. Tammi Roalstad, DVM.
8. R4343: Lap of Love Services, LLC. New Premises. Terri Lagos, DVM.
9. R4346: Pet Smiles General Veterinary Dentistry. New Premises. Christina Hansen, DVM.
10. R4347: Goodvets Paradise Valley. New Premises. Chloe Charlton, DVM.
11. R4348: UrgentVet. New Premises. Vinod Sontineni, DVM.
12. R4351: PetsVet Animal Hospital. New Responsible Veterinarian. Kimberley Beaubien, DVM.
13. R4359: Deer Creek Animal Hospital. New Responsible Veterinarian. Crystal Bley, DVM.
14. R4337: Dr. Kelly's Surgical Unit – East Mesa. New Premises. Kelly Patriquin, DVM
15. R4344: Prestige Animal Hospital. New Responsible Veterinarian. Dawn Goronja-Shaw,

DVM.

16. R4345: Ironwood Veterinary Clinic. New Responsible Veterinarian Nicole Hartman, BVM&S.
17. R4349: UrgentVet. New Premises. Andrea Duthie, DVM.
18. R4353: Voliva Equine LLC. Address Change. Amy Voliva, DVM.
19. R4354: Follow Your Heart Animal Hospital. New Responsible Veterinarian. Julia Neufeld, DVM
20. R4357: Phoenix Mobile Veterinarians. New Premises. Kristin Fornara, DVM.
21. R4360: Danelle Jackson DVM. New Premises. Danelle Jackson, DVM

A (6), (9) (12), (17) and (18) were removed from the Consent Agenda.

Approval of Premises Inspections granted.

B. Approval of Random Premises Inspections – Responsible Veterinarian listed

1. P0683: Strickland Veterinary Clinic. Mary Strickland, DVM.
2. R1080: St. Francis Veterinary Group. Lee Fike, DVM.
3. R1475: Novak Animal Care Center. Christina Innocenti, DVM
4. R1499: Sunrise Pet Clinic. Janet Forrer, DVM.
5. R1666: Pine Country Animal Clinic. Nicole Savage, DVM.
6. R1670: PAWS – Phoenix Animal Wellness Services. Scot Diskin, DVM.
7. R1716: Desert Veterinary Medical Specialists. Melissa Riensche, DVM.
8. R2556: Home Fur Good Vaccine and Dental Clinic. Melvin Pence, DVM.
9. R2621: Pet Urgent Care, LLC. Stephen Gilson, DVM.
10. R2690: Dynamite Animal Hospital. Carla Smith, DVM.
11. R2695: Southern Arizona Equine. Dusti Prentice, DVM.
12. R2832: Gentle Hearts Animal Hospital. Pamela Boyd, DVM.
13. R2950: Mountain View Animal Hospital. Augusta Forsse, DVM
14. R3484: Little Rascals Mobile Surgical Unit. Kathleen Slocum, DVM.
15. R3490: All Creatures Animal Clinic. Ashley Hooper, DVM.
16. R3535: Juan Rodriguez DVM. Juan Rodriguez, DVM
17. R3556: Tolleson Animal Clinic. Rachel Grainger, DVM.
18. R3571: KC Mobile Veterinary Services. Katherine Campabadal, DVM.
19. R3602: Desert Veterinary Clinic. Cheryl Haugo, DVM.
20. R3603: Animal Hospital of Laveen. Clifford Fraser, II, DVM.
21. R3900: Tender Loving Care Veterinary Services and Supplies Doggie Day Camp. Christie Keim, DVM.
22. R2617: Purrfurred Pets Mobile Spay/Neuter. Ann Smith, DVM.
23. R2917: Forrest Veterinary Services. Jarred Forrest, DVM.
24. R2968: West Olive Animal Hospital. John Montana, DVM.
25. R3500: Desert Winds Veterinary Service, PLLC. Leeann Crowe, DVM.
26. R3577: Nose to Tail Housecalls, LLC. Erin Garner, DVM.

B (9) was removed from the Consent Agenda.

Approval of Random Premises Inspections granted.

C. Approval of Scope Change Request – Responsible Veterinarian listed

1. R4156: Caring Ways Veterinary Clinic. Adding surgical and radiology services. Andrea Hilden, DVM.
2. P0599: New Frontier Animal Medical Center. Adding mobile ultra-sound. William Prevatt, DVM.

Approval of Premises Scope Change Request granted.

D. Approval of Premises Name Change Requests - Responsible Veterinarian listed

1. R3571: KC Mobile Veterinary Services to KC In Home Pet Euthanasia. Katherine Campabadal, DVM.
2. R4355: Petsmart Veterinary Services to Petsmart Veterinary Services 1267. Jarrod Dorsey, DVM.

Approval of Premises Name Change Requests granted.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **approve** the Consent Agenda as amended. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

Items Removed From The Consent Agenda:

A (6), A (9), (12), (17), (18), and B (9)

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the above premises **pending compliance**. Motion passed 5 ayes, 1 absent (Dr. Jaynes).

VIII. SUMMARY OF CURRENT EVENTS

No summary of current events.

IX. CALL TO THE PUBLIC

No member of the public wished to address the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, March 20, 2024**, 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 7:30pm.

Respectfully submitted,



Victoria Whitmore, Executive Director