



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
March 16, 2016
Board Room, at 8:30 a.m.
9535 E. Doubletree Ranch Rd.
Scottsdale, Arizona 85258

Members Present: Mr. Jim Loughead, Dr. Christina Bertch-Mumaw (left at 5:45 p.m.), Ms. Nikki Frost, C.V.T., Dr. Les Hatfield, Ms. Jessica Amend, Dr. Sarah Heinrich, Dr. Darren Wright, Dr. J. Greg Byrne, and Ms. Julie Young (left at 5:45 p.m.).

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.); Gina Pickering, Compliance Specialist; and Ms. Tracy Riendeau, C.V.T., Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Dr. Bertch-Mumaw at 8:30a.m.

II. INITIAL INVESTIGATIVE REVIEW

1. 16-26, In Re: Laura Harris, D.V.M.

Dr. Byrne was recused. Dr. Harris was present with attorney, Michael Beathe, and made statements. Mr. Harry Switzer and Ms. Joanne Switzer were also present and made statements. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Young to schedule this matter for an **informal interview**. Motion passed unanimously.

2. 16-29, In Re: Greg Heitman, D.V.M.

Dr. Heitman was present and made statements. After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to find Dr. Heitman in violation **§ A.R.S. 32-2233 (B) (3)** as it relates to **A.A.C. R3-11-502**:

- **(H) (2)** failure to document the animal's heart rate and respiration rate within 6 hours before anesthesia was administered or surgery was performed on October 8, 2015 and October 12, 2015;
- **(L) (4)** failure to document results of exam, including temperature, heart rate and respiration rate and general condition of the animal on October 9, 2015;
- **(L) (6)** failure to document that an IV catheter was placed in the dog on October

8, 2015;

- **(L)(7) and (7) (b)** failure to document the name of fluids and amount of fluids administered to the dog on October 8, 2015; and
- **(L) (7)(a) and (b)** failure to document the concentration and amount of propofol administered to the dog on October 8, 2015 and October 12, 2015.

Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to offer Dr. Heitman a **Consent Agreement** that includes a **\$500 civil penalty**.

Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, nay; Ms. Frost, nay; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, nay; and Dr. Wright, nay. **Motion passed** 5 ayes, 4 nays.

3. 16-30, In Re: William Dean, D.V.M.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed 8 ayes, 1 absent (Ms. Amend).

4. 16-32, In Re: Cary Buckman, D.V. M.

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

5. 16-35, In Re: Dawn Archuletta, D.V.M.

Dr. Archuletta was present and made statements. 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 matter with no violation. Motion passed unanimously.

6. 16-48, In Re: Mark Soderstrom, D.V.M.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to find Dr. Soderstrom in violation of **§ A.R.S. 32-2232 (18)** for non-compliance of Board Order 14-85 and offer a **Consent Agreement** to include a **\$1000 civil penalty**. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, absent; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, absent; and Dr. Wright, aye. Motion passed 7 ayes, 2 absent.

7. 16-51, In Re: Rhonda Casper, D.V.M.

Dr. Casper was present with attorney, E. Hardy Smith, and made statements. Mr. Richard Casper was present and made statements. After discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Bertch-Mumaw to **dismiss** this matter with no violation. Motion passed unanimously.

III. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-19: In Re: Michael Ferrera, D.V.M.

Dr. Ferrera was present, made statements and answered questions. Mr. Alan Maher was present, made statements, and answered questions. After discussion and consideration, a motion was made by Ms. Young and seconded by Ms. Frost to find Dr. Ferrera in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to show respect to the animal owner through courteous verbal interchange.

Roll call: Dr. Heinrich, nay; Dr. Bertch-Mumaw, nay; Dr. Hatfield, aye; Ms. Amend, nay; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, nay. **Motion passed** 5 ayes, 4 nays.

IV. ADMINISTRATIVE (FORMAL) HEARINGS

1. 15-77 & 15-103: In Re: Refaat Ishak, D.V.M.

- *At 11:02a.m., a motion was made by Mr. Loughead and seconded by Ms. Amend to go into execution session for legal advice. Motion passed unanimously.*
- *At 11:17a.m., the Board entered back into open session.*

Assistant Attorney General, Sunita Krishna, represented the state, made statements and asked questions. Witness, Senior Medical Investigator for the Arizona State Veterinary Examining Board, Tracy Riendeau, C.V.T., was present and answered questions. Expert witness, Brian Sidaway, DVM was present and answered questions. Witness, Kathleen Rowe-Guthrie, DVM, was present and answered questions. Ms. Sandra Drinkall was present telephonically and answered questions.

Assistant Attorney General, Michael Raine, was present to provide independent procedural advice to the Board.

Respondent was present and answered questions. Respondent's counsel, David Stoll, was present and asked questions.

- *At 11:25a.m., a motion was made by Mr. Loughead and seconded by Dr. Byrne to go into executive session for legal advice. Motion passed unanimously.*
- *At 11:34a.m., the Board entered back into open session.*

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Bertch-Mumaw to adopt Factual Allegations 4 through 46 in the Complaint and Notice of Hearing as the Board's Findings of Fact. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to adopt the Allegations of Unprofessional Conduct 1 through 7,

modifying 3 and 4 to § A.R.S. 32-2233 (B) (3), as the Board's Conclusions of Law. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Hatfield to revoke Dr. Ishak's veterinary license. Roll call: Dr. Heinrich, nay; Dr. Bertch-Mumaw, nay; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, nay; Dr. Byrne, nay; Mr. Loughead, nay; Ms. Young, aye; and Dr. Wright, nay. **Motion failed, 3 ayes, 6 nays.**

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Wright to issue Dr. Ishak an Order to include a period of **Suspension for 6 months**; after 6-month Suspension, Dr. Ishak shall take a competency exam. Additionally, after the 6-month Suspension, Dr. Ishak's veterinary license will be placed on **Probation for 5-years** to obtain an additional **100 hours of continuing education**, in addition to the statutory requirements for licensure, in the area of:

- Anatomy and physiology;
- Medical record keeping;
- Surgery; and
- Diagnostics.

50 of the 100 hours of continuing education shall be obtained by attending wet labs.

Dr. Ishak shall pay a civil penalty of \$2500 by the end of the Probation period.

Additionally, Dr. Ishak shall be **restricted from performing and any and all surgeries indefinitely**. Prior to termination of the practice restriction, Respondent must submit a written request to the Board for release or modification of the practice restrictions outlined in the Order. When submitting such a request, Respondent shall provide the Board with evidence establishing that he has appropriately addressed the issues that resulted in the practice restrictions and he can safely and competently perform surgical procedures.

During the 1st year of the Probationary period, Dr. Ishak shall submit fifteen (15) sets of medical records quarterly.

If Dr. Ishak employs an associate or relief veterinarian, the associate or relief veterinarian shall read the Order and submit a written notice to the Board that he/she understands the terms of Dr. Ishak's Order. The same is true if Dr. Ishak is employed by any other premise other than his own.

Also, the Order shall include a Stayed Suspension. If Dr. Ishak has engaged in practice outside the restrictions, the Stayed Suspension shall be lifted and Dr. Ishak's license will be suspended until a hearing can be held.

Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, aye. Motion passed unanimously.

V. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1.14-85, In Re: Mark Soderstrom, D.V.M. Board may review, discuss, and take action on completion of continuing education course as required by Board Order.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to approve Dr. Soderstrom's continuing education, completing the terms of Board Order 14-85. Motion passed 7 ayes, 2 absent (Dr. Bertch-Mumaw, Ms. Young).

2.16-31, In Re: Samantha Bowden, C.V.T. Board may review, discuss, and take action regarding evaluation report.

Ms. Amend was absent. After discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Hatfield to offer Ms. Bowden a **Consent Agreement** that includes a period of **Probation for three (3) years** that includes:

- Quarterly random drug testing for year 1, then step-down to biannual testing for years 2 and 3;
- The Order shall have a Stayed Suspension which will be lifted until a hearing could be held should Respondent fail a random drug test;
- Yearly evaluation from a mental health care provider who shall submit a written report to the Board confirming or denying Respondent's ability to work safely and competently in a veterinary medical environment;
- Respondent shall present a copy of the Order to the responsible veterinarian within 3-days of the final Order; responsible veterinarian shall notify the Board in writing, that they have read and understand the Order;
- If Respondent changes employment, she shall notify the Board in writing within 10-days of the change and present the Order to the new responsible veterinarian who shall notify the Board in writing that they have read and understand the Order;
- Respondent shall only use prescription medication that has been prescribed to her by a physician and she shall notify the Board in writing who prescribed the medication and why, along with the details of name, strength and duration of medication; and
- If Consent Agreement is not signed within 20-days the matter will be schedule to an informal interview.

Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, absent; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, aye. Motion passed 8 ayes, 1 absent.

VI. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on certified veterinary technician application(s) from:

a. Serena Causey

Ms. Causey appeared before the Board, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Young 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 approval of April 2016 Certified Veterinary Technician exam.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the April 2016 Certified Veterinary Technician exam. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

3. Board may review, discuss, and take action possible re-appointment of A.M. Investigative Committee member Adam Almaraz.

Tabled for a future Board meeting.

4. Board may review, discuss, and take action on request for approval of continuing education for USDA-APHIS National Veterinary Accreditation Program (NVAP) training modules.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to approve the continuing education for USDA-APHIS National Veterinary Accreditation (NVAP) training modules. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

5. Board may review, discuss, and take action on correspondence received from Debra LaRoche concerning model of veterinary practices.

Tabled for a future Board meeting.

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

Tabled for a future Board meeting.

7. Board may review, discuss, and take action on veterinary application from:

a. Jennifer Siess

After review and discussion, a motion was made by Ms. Amend and seconded by Dr. Wright to approve Ms. Siess' veterinary application form. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

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

a. Jessica Bush (R)

b. Kirsten Crouch (R)

c. Kevin Deppert (R)

d. Natasha Nanda (R)

e. Dharti Patel (R)

f. Carol Rowand (R)

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Wright to approve the above veterinary licenses pending submission of issuance fee. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

9. Board may review, discuss, and take action on American Association of Veterinary State Board's Call for Resolutions.

Tabled for a future Board meeting.

10. Board may review, discuss, and take action on information from U.S. Drug Enforcement Administration concerning Veterinary Mobility Act of 2014.

Tabled for a future Board meeting.

11. Board may review, discuss, and take action on agency's mailing list procedures.

No action taken.

12. Executive Director Report

a. Legislative Director Report

Will be discussed at a future Board meeting.

b. Request to discuss future legislation re: oversight of shelter veterinarians

Ms. Whitmore reported that she has been contacted by an individual who will be arranging a meeting with Senator Kavanaugh to discuss future legislation regarding shelter veterinarian oversight; a Board representative is encouraged to attend. Ms. Whitmore stated that she will attend if requested to by the Senator.

c. American Association of Veterinary State Boards (AAVSB) Member Boards'

Will be discussed at a future Board meeting.

d. Board training update

Will be discussed at a future Board meeting.

VII. REVIEW AND APPROVAL OF MINUTES

a. January 20, 2016 Regular Session

Approval pended until quorum from that meeting is available.

b. January 20, 2016 Executive Session

Approval pended until quorum from that meeting is available.

c. February 5, 2016 Special Meeting Regular Session

Approval pended until quorum from that meeting is available.

d. February 17, 2016 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the February 17, 2016 regular session minutes as drafted. Motion passed 6 ayes, 1 abstention (Dr. Byrne), 2 absent (Ms. Young, Dr. Bertch-Mumaw).

e. February 17, 2016 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the February 17, 2016 executive session minutes as drafted. Motion passed 6 ayes, 1 abstention (Dr. Byrne), 2 absent (Ms. Young, Dr. Bertch-Mumaw).

VII. CONSENT AGENDA

A. Approval to take State Veterinary Exam

1. Adrian, Alexander (R)
2. Baker, Monica (R)

3. Boles, James (E)
4. James, Samantha (R)
5. Jobe, Elizabeth (R)
6. Nanda, Natasha (R)
7. Olsen, Laura (R)
8. Parrish, Kelsey (R)
9. Redman, Racheal (R)
10. Schaible, Megan (E)
11. Veale, Alexa (R)
12. Allegretto, Elizabeth (R)
13. Alltop, Jeremy (R)
14. Bertram, Susan (E)
15. Cock, Gemma (R)
16. Kurth, Makenzie (R)
17. Martony, Molly (R)
18. Ribka, Erin (E)
19. Starks, Darius (R)
20. Thometz, Emily (R)
21. Wood, Randi (R)
22. Work, Mary (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Premise Licenses

1. R2608: Coronado Veterinary Hospital. New Responsible Veterinarian. Shawna Sawtelle, DVM.
2. R2609: Indian Bend Animal Hospital. New Owner, New Responsible Veterinarian. Scotti Gulinson, DVM.
3. R2610: Spay Neuter Clinic. New Responsible Veterinarian. Cynthia Gordon, DVM.
4. R2611: Prickly Pear Holistic Veterinary Care. New Address. Lauren Genow, DVM.
5. R2612: Banfield Pet Hospital #1066. New Responsible Veterinarian. Jenna Krohn, DVM.
6. R2613: Salt River Veterinary Specialists. New Premise. Alejandro Aguirre, DVM.
7. R2614: VIP Petcare – Tractor Supply Company – Chandler. New Premise. Siobhan Jones, DVM.
8. R2615: VIP Petcare – Tractor Supply Company – Cave Creek. New Premise. Siobhan Jones, DVM.
9. R2625: North Phoenix Animal Services. New Premise. Mark Weaver, DVM.

B (2), (5), (6), (7), (8) removed from Consent Agenda.

Approval of Premise Licenses granted.

C. Random Premise Inspections

1. P0121: Santis Pet Clinic. Hugo Santibanez, DVM.
2. R0911: BK Thwait's, D.V.M. Bonnelyn Thwait's, DVM.
3. R1408: P.A.W.S. Partners in Animal Wellness. Randy Aronson, DVM.
4. R1452: Ingleside Animal Hospital. Brian Serbin, DVM.

C (1) removed from Consent Agenda.

Approval of Random Premise Inspections granted.

D. Approval of Temporary Permits

1. Baker, Monica (R)

2. Boles, James (E)
3. Jobe, Elizabeth (R)
4. Ribka, Erin (E)

Approval of Temporary Permits granted.

E. Approval to take the Certified Veterinary Technician Exams

1. Dethlefsen, Angella
2. Williams, Madeline

Approval to take the Certified Veterinary Technician State Exam granted.

F. Approval of Reinstatement of Veterinary License

1. Coles-Vallar, Lori
2. Shaird, Kimberley

Approval of Reinstatement of Veterinary License granted.

G. Approval of Veterinary License

1. Factor, Brittany (E)
2. Fallini, Lorinda (E)
3. Fischer, Howard (E)
4. Niemiec, Brook (E)

Approval of Veterinary License granted.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the Consent Agenda as amended. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

Items Removed From Consent Agenda

B (2) R2609: Indian Bend Animal Hospital. New Owner, New Responsible Veterinarian. Scotti Gulinson, DVM.

B (5) R2612: Banfield Pet Hospital #1066. New Responsible Veterinarian. Jenna Krohn, DVM.

B (6) R2613: Salt River Veterinary Specialists. New Premise. Alejandro Aguirre, DVM.

B (7) R2614: VIP Petcare – Tractor Supply Company – Chandler. New Premise. Slobhan Jones, DVM.

B (8) R2615: VIP Petcare – Tractor Supply Company – Chandler. New Premise. Slobhan Jones, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the above premise licenses pending inspection and compliance. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

C (1) P0121. Santis Pet Clinic. Hugo Santibanez, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the above random premise inspection pending compliance. Motion passed 7 ayes, 2 absent (Ms. Young, Dr. Bertch-Mumaw).

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 April 20, 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 6:07 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Victoria Whitmore", written over a horizontal line.

Victoria Whitmore, Executive Director