

DOUGLAS A. DUCEY
- 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

March 16, 2022

Board Room A, at 8:30 a.m.

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jane Soloman, Dr. Robyn Jaynes, Dr. Melissa Thompson, Dr. Craig Nausley, Ms. Nikki Frost, CVT (telephonic), Dr. Greg Byrne and Dr. Darren Wright.

Members Absent: Ms. Jessica Creager.

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: Ms. Whitmore at 8:35 a.m.

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

1. 22-17, In Re: John Oplinger, DVM

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to disagree with the Investigative Committee's recommendation and offer Dr. Oplinger a **Consent Agreement** and adopt the proposed Findings of Fact in the Investigative Committee's Report as the Board's Findings of Fact. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to find Dr. Oplinger in violation of ARS§ 32-2232 (21) as it relates to AAC R3-11-502 (L) (4), (5), (7) (d), and (11) – medical record keeping violations. The Consent Agreement shall include a period of **Probation for 6 months** to complete **2 hours** of continuing education in **medical record keeping**, in addition to the statutory requirements to maintain licensure. The Consent Agreement shall also include a **civil penalty of \$250** to be paid on or before the period of Probation. If Dr. Oplinger does not sign the Consent Agreement, the matter will be scheduled for an Informal Interview. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

2. 22-18, In Re: Wendy Hancock, DVM

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

3. 22-20, In Re: Sarah Ford, DVM

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

4. 22-21, In Re: Lisa Hatfield, DVM

Attorney, David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 2 nays (Ms. Soloman and Ms. Frost).

5. 22-19, In Re: Alejandro Aguirre, 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.

6. 22-23, In Re: Tara-Lyn Temple, DVM

Dr. Temple was present with attorney David Stoll and made statements. Mr. Marcos Carrillo was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Temple a **Consent Agreement** adopting the Investigative Committee's Findings of Fact as the Board's Findings of Fact - finding Dr. Temple in violation of ARS § 32-2232 (12) as it relates to AAC R3-11-501 (1) failure to meet Professional Acceptable Procedures. The Consent Agreement shall include a **Decree of Censure**. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

7. 22-25, In Re: John McWhirter, DVM

Dr. McWhirter was present, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Byrne to schedule this matter to an **Informal Interview**. Motion passed unanimously.

8. 22-26, In Re: Juli Maher, DVM

Dr. Maher was present with attorney David Stoll, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to schedule this matter to an **Informal Interview**. Motion passed unanimously.

9. 22-27, In Re: Jessica Day, DVM

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

10. 22-28, In Re: Heather Sanchez-Skultety, DVM

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

11. 22-60, In Re: Mary K. Burdick, DVM

Dr. Burdick was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Byrne to **dismiss** this issue with no violation. Motion passed 7 ayes, 1 nay (Ms. Soloman).

12. 22-68, In Re: Aaron Franko, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Byrne to **dismiss** this issue with no violation. Motion passed unanimously.

13. 22-94, In Re: Melanie Rettler, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to schedule this matter (in conjunction with 21-96) to a **Formal Hearing**. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 22-12, In Re: Barbara Guminski, DVM

Dr. Guminski was present with attorney David Stoll, made statements and answered questions. Dr. Virginia Kern was present telephonically, made statements and answered questions. Ms. Dominique Sprague was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

- At 11:14am, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 11:20am, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to forward the possible forged letter to the County Attorney's office. Motion passed 6 ayes, 2 nays (Ms. Frost and Dr. Byrne).

2. 22-10, In Re: Megan Buscema, DVM

Dr Buscema was present with attorney David Stoll, made statements and answered questions. Mr. David Odiorne was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

3. 22-09, In Re: Lorna Lanman, DVM

Dr. Wright was recused. Dr. Lanman was present with attorney David Stoll, made statements and answered questions. Mr. Hunger McGee and Ms. Yvette Harrington were present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Frost to **dismiss** this issue with no violation and issue a **Letter of Concern** with respect to ensuring there is clear communication with respect to aftercare when placing a splint and that the pet owner understands; and two radiographic views are essential in orthopedic cases. Roll call: Dr. Byrne, aye; Dr. Nausley, nay; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, recused; Mr. Loughhead, aye; Ms. Soloman, nay; and Dr. Thompson, nay. Motion passed 4 ayes, 3 nays and 1 recusal.

4. 22-15, In Re: Heather Oyan, DVM

Dr. Oyan was present, made statements and answered questions. She provided additional materials to the Board for their review. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrne to **dismiss** this issue with no violation and issue a **Letter of Concern** with respect to ensuring the premises remains compliant and for Dr. Oyan to submit samples of the forms in use for the Board to review. Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, nay; Mr. Loughhead, aye; Ms. Soloman, nay; and Dr. Thompson, aye. Motion passed 6 ayes, 2 nays.

5. 21-158: In Re: Catherine Byrnes, DVM - Continuance of Informal Interview of February 16, 2022, 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. Jaynes and seconded by Dr. Wright to adopt the Findings of Fact and Conclusions of Law as drafted. Roll call: Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Byrne to issue Dr. Byrnes an Order that includes a period of **Probation for 1-year** to obtain **4 hours of continuing education**, in addition to the statutory requirements to maintain licensure, in **emergency medicine in relation to snakebite envenomation**. The Order shall also require Dr. Byrnes to **reimburse Complainant's fees of \$549.27** on or before the end of the Probationary period. Roll call: Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 19-71: In Re: Celeste Roy, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Roy appeared in compliance with her Consent Agreement.

2. 21-123: In Re: Edwin Kiesel, DVM. Board may review, discuss, and take action on practice termination plan and proposed practice monitor.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Thompson to approve Dr. Kiesel's proposed practice monitor. Roll call: Dr. Nausley, aye; Ms.

Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

3. 21-43: In Re: Christina (Nutter) Guttuso, DVM. Board may review, discuss, and take action on Continuing Education completed in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to approve Dr. Guttuso's completed education continuing education in compliance with her Board Order and return her license to Active status. Motion passed unanimously.

4. 21-104: In Re: Hannah Blackman, DVM. Board may review, discuss, and take action on Continuing Education completed in compliance with Consent Agreement.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to approve Dr. Blackman's continuing education completed in compliance with her Consent Agreement and return her license to Active status. Motion passed unanimously.

5. 21-96 and 22-51: In Re: Melanie Rettler, DVM. Board may review, discuss, and take action to reconsider February 16, 2022 motion to combine cases.

- At 12:17pm, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 12:40pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to rescind the motion to combine case 22-51 with 21-96, In Re: Melanie Rettler, DVM. Roll call: Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

6. 22-51: In Re: Melanie Rettler, DVM. Board may review, discuss, and take action on investigative case.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to dismiss this issue with no violation and issue a **Letter of Concern** for failure to timely comply with a Board request. Roll call: Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Ms. Soloman, nay; and Dr. Thompson, aye. Motion passed 7 ayes, 1 nay (Ms. Soloman).

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on case C-22-08, In Re: Julie Petersen, unlicensed practitioner.

Ms. Peterson appeared, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to close this matter. Motion passed unanimously.

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

a. R0279: Animal Hospital at Tatum Ranch. Mari Anger, DVM

No action taken.

b. P0951: Marana Veterinary Clinic. L. Clayton Wengert, DVM

After discussion and consideration, Board directed staff to re-inspect the premises to ensure compliance.

3. Board may review, discuss, and take action on veterinarian applications:

a. Austin Gabelt

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Soloman to approve applicant Gabelt application. Motion passed unanimously.

4. Board may review, discuss, and take action on information received regarding David Pitkin, DVM, disciplinary action by Ohio Veterinary Medical Licensing Board.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to open an investigation and offer Dr. Pitkin a Consent Agreement to comply with the terms of the Consent Agreement offered by the Ohio Veterinary Board. Additionally, Dr. Pitkin shall inform the Board biannually of any changes of the terms of the Ohio Veterinary Board Consent Agreement and if he elects to provide veterinary services in Arizona. Motion passed unanimously.

5. Board may review, discuss, and take action on American Association of Veterinary State Boards' Call for Nominations.

No action taken.

6. Board may review, discuss, and take action on International Council for Veterinary Assessment (ICVA) updates to Letter of Agreement.

No action taken.

7. Board may review, discuss, and take action on information received on Bullseye K-9 Reproduction Services.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to open an investigation regarding Bullseye K-9 Reproduction Services. Motion passed unanimously.

8. Board may review, discuss, and take action on International Council for Veterinary Assessment (ICVA) Call for Nominations.

No action taken.

9. Board may review, discuss, and take action on information received regarding Yavapai Emergency Animal Hospital.

Ms. Frost was recused. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to open an investigation regarding the responsible veterinarian for the premises and conduct of premises staff. Motion passed 7 ayes, 1 recusal.

VI. REVIEW AND APPROVAL OF MINUTES

1. December 8, 2021 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the December 8, 2021 executive session minutes as drafted. Motion passed unanimously.

2. February 16, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to approve the February 16, 2022 regular session minutes as drafted. Motion passed 5 ayes, 3 abstentions (Dr. Byrne, Dr. Wright and Ms. Frost).

3. February 16, 2022 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to approve the February 16, 2022 executive session minutes as amended. Motion passed 6 ayes, 2 abstentions (Dr. Byrne and Dr. Wright).

VII. CONSENT AGENDA

A. **Approval of Premises Licenses** – Responsible Veterinarian listed

1. R3860: 1st Pet Veterinary Center – Chandler Primary Care. New Premises. Justine Mumaw, DVM
2. R3861: La Vida Animal Hospital. New Premises. Claire Rosen, DVM
3. R3863: Stanton Equine Veterinary Services, Inc. New Premises. Bailee Stanton, DVM
4. R3864: BluePearl Operations (Peoria). New Responsible Veterinarian. Kathryn McAdam, DVM
5. R3865: Epic Veterinary Specialists. New Premises. Derek Mathews, DVM
6. R3868: Williams Veterinary Wellness. New Premises. Patrick Ryan Jr., DVM
7. R3869: Chaparral Veterinary Services. New Owner. Martin Crabo, DVM
8. R3870: Animal Health Services. New Responsible Veterinarian. Lane Smith, DVM
9. R3871: Dr. Kelly's Mobile Unit – Southeast Valley. New Premises. Jessica Schneider, DVM
10. R3872: Healing Wise Holistic Veterinary Care @ Petz Place. New Owner. Jacqueline Allgire, DVM
11. R3873: Healing Wise Holistic Veterinary Care @ The Unique Pet Boutique. New Owner. Jacqueline Allgire, DVM
12. R3874: Healing Wise Holistic Veterinary Care @ Peoria Pet Market. New Owner. Jacqueline Allgire, DVM
13. R3875: Rosemont Pet Clinic. New Responsible Veterinarian. Mark Restey, VMD
14. R3876: Sonoran Veterinary Center. New Owner. Julie Yeager, DVM
15. R3877: Heidi's Village. New Responsible Veterinarian. Swaneth Portalatin, DVM
16. R3878: Humane Society of Mohave County Animal Medical Center. New Address. Taylor Williams, DVM
17. R3879: West Phoenix Veterinary Hospital, New Premises. Gureetpal Grewal, BVSc
18. R3880: Angel Vet. New Premises. Heidi Ellermeir, DVM
19. R3881: Sunrise Mobile Veterinary Services LLC. New Premises. Lindy Egan, DVM
20. R3882: Exceptional Pets – Cave Creek. New Responsible Veterinarian. Samantha Lieberman, DVM
21. R3884: BluePearl Operations, LLC (Avondale). New Responsible Veterinarian. Marlayna Barnard, DVM
22. R3891: Equine Veterinary, LLC. New Address. Otto Stanislaw, DVM
23. R3869: Chaparral Veterinary Medical Center. New Owner. Martin Crabo, DVM

A (7), (9), (16) and (18) removed from Consent Agenda.

Approval of Premises Inspections granted.

B. **Approval of Random Premises Inspections** – Responsible Veterinarian Listed

1. R0088: Mari Lynn Anger, DVM. Mari Anger, DVM
2. R0336: Darrel R. Kramer, DVM. Darrel Kramer, DVM
3. R0776: Mesquite Springs Mobile Veterinary Clinic. Jeffrey Brock, DVM
4. R0860: Amherst Plaza Animal Clinic. Rhonda Cutforth Lepardo, DVM
5. R1160: Loren Weaver, DVM – Mobile Equine. Loren Weaver, DVM
6. R2235: Westbrook Animal Hospital, PLC. W.C. Hummel Jr., DVM

Approval of Random Premises Inspections granted.

C. Approval of Random Animal Crematory Inspections

1. C0039: All Pets Go to Heaven. John Hassett, Responsible Owner
2. C0036: Family Pet Crematory. Kristen Lietz, Responsible Owner

Approval of Random Animal Crematory Inspections granted

Items Removed From Consent Agenda:

A (9), (16) and (18)

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the premises pending inspection and compliance. Motion passed unanimously.

A (7):

No action taken.

VIII. SUMMARY OF CURRENT EVENTS

No current events.

IX. CALL TO THE PUBLIC

Mr. Johnny Johnson addressed the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, April 20, 2022**, 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.

XI. ADJOURNMENT

Meeting adjourned at 3:25 pm.

Respectfully submitted,



Victoria Whitmore, Executive Director