



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

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MINUTES

April 21, 2021

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

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager, Ms. Jane Soloman, Dr. Sarah Heinrich (telephonic), Ms. Nikki Frost, CVT (telephonic), Dr. Greg Byrne, and Dr. Robyn Jaynes.

Members Absent: Dr. Darren Wright.

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 8:30 a.m.

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

1. 21-20, In Re: Kelly Collins, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Collins. Mr. Jacob Hamby was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to schedule this matter for an Informal Interview. Roll call: Dr. Heinrich, nay; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, nay; Dr. Jaynes, nay; Mr. Loughead, nay; and Ms. Soloman, aye. **Motion failed, 4 nays, 3 ayes.**

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich, to disagree with the Investigative Committee's recommendation and offer Dr. Collins a **Consent Agreement**, finding the Committee's proposed Findings of Fact as the Board's Findings of Fact – adding to paragraph #4 that Respondent had initially admitted to being responsible for mislabeling the pet, then later stated that faulty zip ties were responsible for the tags falling off during transit resulting in the pet's mislabeling. Roll call: Dr. Heinrich, aye; Dr. Byrne, nay; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed, 6 ayes, 1 nay.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to find Dr. Collins in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** for failure to provide professional acceptable procedures by mislabeling the pet's remains/mixing up the tags and not completing the paperwork. Roll call: Dr. Heinrich, aye; Dr.

Byrne, nay; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed, 6 ayes, 1 nay.

After further discussion and consideration, a motion was made Dr. Jaynes and seconded by Dr. Heinrich to offer Dr. Collins a Consent Agreement that includes a period of Probation of 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 are to be in **medical record keeping**. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

Additional discussion occurred; a motion was made by Mr. Loughead and seconded by Dr. Heinrich to include in Dr. Collins's Consent Agreement a **civil penalty** of \$1000, minus the amount refunded to Complainant. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Frost to open investigation regarding the crematory's involvement and move the matter to an Informal Interview. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

2. 21-26, In Re: Bruno Boutet, DVM

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

3. 21-27, In Re: Matthew Miller, DVM

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

4. 21-28, In Re: Sage Hubert, DVM

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

5. 21-29, In Re: Stephanie Foote, DVM

After David Stoll was present and made statements on behalf of Dr. Foote. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager, to disagree with the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

6. 21-30, In Re: Josh Finch, DVM

Attorney David Stoll was present to monitor. 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.

7. 21-31, In Re: Cynthia Gordon, DVM

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

8. 21-32, In Re: Sarah Schroeder, DVM

Dr. Jaynes was recused. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager, to agree with the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed, 6 ayes, 1 recusal.

9. 21-93, In Re: L. H. Nelson, DVM

Dr. Nelson was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to **dismiss** this issue with no violation. Motion passed unanimously.

10. 21-94, In Re: Ruth Campbell, DVM

Dr. Campbell was present and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to **dismiss** this issue with no violation. Motion passed unanimously.

11. 21-95, In Re: Jeffrey Arthur, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to offer Dr. Arthur a **Consent Agreement** finding him in violation of ARS § 32-2274 (A) (9) for providing veterinary services without a premises license. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to adopt the proposed Findings of Fact in the Investigative Division Report as the Board Findings of Fact. The Consent Agreement shall include a **civil penalty of \$1000.00** to be paid within 60 days of the effective date of the Consent Agreement. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

12. 21-96, In Re: Melanie Rettler, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to offer Dr. Rettler a **Consent Agreement** finding her in violation of **A.R.S. § 32-2274 (A) (9)** for providing veterinary services without a premises license. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to adopt the proposed Findings of Fact in the Investigative Division Report as the Board Findings of Fact. The Consent Agreement shall include a **civil penalty of \$1000.00** to be paid within 60 days of the effective date of the Consent Agreement. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

13. 21-109: In Re: Virginia Kern, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Kern. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to **dismiss this issue without prejudice**. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 21-22: In Re: Danielle Simons, DVM

Dr. Simons was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to find Dr. Simons in violation of A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1) for failure to use current professional and scientific knowledge for failure to follow up concerns prior to the surgery; blood work was not considered prior to the second surgery despite the dog vomiting for the previous 12 – 14 hours, and having a history of renal disease. Roll call: Dr. Heinrich, aye; Dr. Byrne, nay; Ms. Frost, nay; Ms. Creager, nay; Dr. Jaynes, aye; Mr. Loughead, nay; and Ms. Soloman, aye. **Motion failed, 4 nays, 3 ayes.**

After further discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Bryne to dismiss this issue with no violation and issue a **Letter of Concern** with respect to not performing diagnostics on the dog prior to the second surgery. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, nay; Mr. Loughead, aye; and Ms. Soloman, nay. Motion passed 5 ayes, 2 nays.

2. 21-21: In Re: Brett Cordes, DVM

Dr. Cordes was present with attorney David Stoll, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring exam findings are written into the medical record in a timely manner to avoid making addendums at a later date and following up with the animal if there are reports of no improvement following a prescribed therapy. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

3. 21-23: In Re: Cameron Folkers, DVM

Dr. Folkers was present telephonically, made statements and answered questions. Attorney David Stoll was present. Mr. Miles Bruner was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring medical records of the animals being treated are clear and complete. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, nay; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed 6 ayes, 1 nay.

4. 21-04: In Re: Bernard Cohen, DVM – Continuance of Informal Interview of March 17, 2021 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 Ms. Creager to adopt the Findings of Fact and Conclusions of Law as drafted and issue Dr. Cohen an Order that includes a period of **Probation of 1-year** to obtain **four (4) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those four (4) hours are to be in medical record keeping, including providing estimates. Roll call: Dr. Heinrich, aye;

Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

5. 21-06: In Re: Amy Coy, DVM - Continuance of Informal Interview of March 17, 2021 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. Heinrich to adopt the Findings of Fact and Conclusions of Law as drafted and issue Dr. Coy an Order that includes a period of **Probation of 1-year** to obtain **eight (8) hours of continuing education**, in addition to the statutory requirements to maintain licensure. Those eight (8) hours are to include:

- Four (4) hours in anesthesia; and
- Four (4) hours in medical record keeping.

The Order shall also include a civil penalty of \$500 to be paid on or before the end of the Probationary period.

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

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

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

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

2. 19-37: In Re: Crystal Delano, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Delano was present, made statements and answered questions in compliance with her Consent Agreement. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to allow Dr. Delano to administer controlled substances to animals under her care and treatment. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

3. 20-87: In Re: Virginia Kern, DVM. Board may review, discuss, and take action on proposed Consent Agreement.

Attorney David Stoll was present and made statements on Dr. Kern's behalf. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to have the practice monitor verify Dr. Kern's compliance with her Consent Agreement within 60 days. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

Ms. Whitmore advised the Board that once a new premises application is received for East Mesa Animal Hospital, the premises will be inspected to verify Dr. Kern is in compliance with her Consent Agreement.

4. 20-107: In Re: Erin Hisrich, DVM. Board may review, discuss, and take action on March 2021 testing results and Respondent's request to reschedule June 2021 Board appearance.

Dr. Hisrich was present with attorney Flynn Carey and made statements and answered questions in compliance with her Consent Agreement. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to allow Dr. Hisrich to appear in May, as opposed to June, for her quarterly appearance. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

5. 21-66: In Re: Tressa MacLennan, DVM. Board may review, discuss, and take action on request to amend Consent Agreement, Section #5(a), to allow negative drug testing results to be provided to the Board by the Professionals Assisting Professional of Arizona (PAPA) program on a monthly or quarterly basis.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to amend Dr. MacLennan's Consent Agreement, Section # 5 (a), to read that Dr. MacLennan's test results shall be submitted to the Board office the first Wednesday of each month. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on NAVLE® State Letter of Agreement for Direct Approval of NAVLE® Candidates.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Heinrich to approve the Letter of Agreement for Approval of NAVLE® Candidates. Motion passed unanimously.

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

a. Samuel Park

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve Dr. Park's veterinary license application. Motion passed unanimously.

b. Janel Schietzelt

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Dr. Schietzelt's veterinary license application. Motion passed unanimously.

3. Board may review, discuss, and take action on request regarding the clarification of interpretation of A.R.S. § 32-2242(B) pertaining to Certified Veterinary Technician applications requirements, per A.R.S. § 41-1001.02:

a. Ashley Sanders

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to approve Ms. Sanders's CVT application pursuant to ARS § 32-2242 (B). Motion passed unanimously.

4. Board may review, discuss, and take action on presentation by the American Association of Veterinary State Boards (AAVSB) related to "RACEtrack," a continuing education tracking program offered by AAVSB.

Agenda item tabled to future Board meeting.

5. Board may review, discuss, and take action to review A.R.S. § 36-2525 related to electronic prescribing requirements for veterinarians.

After discussion and consideration, the Board directed staff to ask about the Statute on an annual basis.

6. Board may review, discuss, and take action on annual review of Board Compensation policy.

After discussion and consideration, the Board directed staff to review the Board Compensation policy and report back.

7. Board may review, discuss, and take action on annual review of Board Member training program.

After discussion and consideration, the Board directed staff to review the Board Member training program.

8. Board may review, discuss, and take action on results of Premises Inspection results: R3648: Ahwatukee Animal Care Hospital, Change of Ownership. Responsible Veterinarian: Jeffrey Jenkins, DVM.

After discussion and consideration, the Board directed staff to re-inspect the premises focusing on medical records and controlled substance drug logs.

9. Board may review, discuss, and take action on possible unlicensed practitioner John Cunningham at Johnny's Doghouse.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to open an investigation. Motion passed unanimously.

10. Board may review, discuss, and take action on possible unlicensed practitioner David Klang - Scan in the Van.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to open an investigation and refer the matter to the Arizona Medical Board. Motion passed unanimously.

11. Board may review, discuss, and take action on possible unlicensed practitioner Cassidy Charmayne at E-Equine Dentistry.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to open an investigation. Motion passed unanimously.

12. Board may review, discuss, and take action on case C-21-04, Anita Rae Small-Caywood - Sunrae PLLC.

After discussion and consideration, a motion was made by Mr. Loughead and seconded by Ms. Creager to issue Ms. Small-Caywood a Cease and Desist with respect to rectal ozone catheterization. Roll call: Dr. Heinrich, aye; Dr. Byrne, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Jaynes, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

13. Assistant Attorney General Report

a. Discussion regarding Open Meeting Law as it relates to the Call to the Public.

AAG Marc Harris provided the Board with some general information regarding Arizona's Open Meeting Law as it relates to the call to the public. Mr. Harris began by reminding the Board that it is the public policy of this state that all meetings of public bodies, like the Board, be conducted openly. To ensure that all public meetings are held openly, he advised that the open meeting law requires that notices and agendas be provided for such meetings and

that they contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Mr. Harris stated that with respect to public participation, the open meeting law does not require a public body to include an open call to the public on its agenda. Mr. Harris added that if a public body does, it may apply reasonable time, place, and manner provisions on speakers. These provisions, he said, should be narrowly tailored to affect a compelling state interest, including civility and language, and should not be content based. Mr. Harris added that the purpose of these provisions should be to ensure that everyone is treated respectfully and fairly. Lastly, Mr. Harris noted that the public body may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. Mr. Harris explained that during the call to the public the Board can only ask staff to review a matter or ask that a matter be placed on a future agenda. With respect to criticism, Mr. Harris explained that the open meeting law does allow individual members of the public body that are the subject of the criticism the opportunity to respond to it during the call to the public. The public body, however, may not collectively discuss or take action on the criticism unless the matter is specifically listed on the agenda.

b. Update on Court of Appeals decision in Case No. CA-CV-20-0219, in re: Adriana Stinnett, DVM (Board Case 18-47).

Mr. Harris updated the Board on the Court of Appeals decision in case 18-47, In Re: Adriana Stinnett, DVM.

14. Board may review, discuss, and take action regarding the adoption of protocols for conducting the Call to the Public agenda item.

After discussion and consideration, the Board directed staff, along with Mr. Harris, to draft proposed Call to the Public protocols.

15. Board may review, discuss, and take action on possible unlicensed practitioner, Luke Kraut.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Frost to open an investigation. Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

1. March 17, 2021 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to approve the March 17, 2021 Regular Session minutes. Motion passed unanimously.

2. March 17, 2021 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Frost to approve the March 17, 2021 Executive Session minutes. Motion passed unanimously.

VII. SUMMARY OF CURRENT EVENTS

No current events.

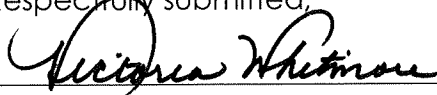
VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, May 19, 2021**, beginning at **8:30 a.m.** at 1740 W. Adams Street, Board Room "A," Phoenix, Arizona 85007. One or more Board members may appear telephonically.

IX. ADJOURNMENT

Meeting was adjourned at 2:55p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director