

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

PHONE: (602) 364-1-PET - FAX: (602) 364-1039

VETBOARD.AZ.GOV

MINUTES

April 20, 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, Ms. Jessica Creager (telephonic), Dr. Melissa Thompson, Dr. Craig Nausley, Ms. Nikki Frost, CVT (telephonic), Dr. Greg Byrne and Dr. Darren Wright.

Members Absent: Dr. Robyn Jaynes.

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: Dr. Wright at 8:35 a.m.

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

1. 22-29, In Re: Andrew Tornell, DVM

Dr. Thompson 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 accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 recusal.

2. 22-33, In Re: Monika Durgin, DVM

Dr. Durgin was present with attorney David Stoll and made statements. Mr. Joseph Brekan was present and made statements. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to schedule this matter to an **Informal Interview**. Motion passed unanimously.

3. 22-34, In Re: Sarah Matyzaszek, DVM

Dr. Thompson was absent. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Soloman to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 absent.

4. 22-35, In Re: Anita Laucher-Morris, DVM

Attorney David Stoll was present to monitor. 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.

5. 22-36, In Re: Rowena D'Monte, DVM

Dr. Wright was recused. Dr. D'Monte was present with attorney David Stoll and made statements. Mr. and Mrs. James Nichols were present and made statements. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Byrne to schedule this matter to an **Informal Interview**. Motion passed 7 ayes, 1 recusal.

6. 22-37, In Re: William Langhofer, DVM

Dr. Wright was recused. Attorney, David Stoll was present to monitor. Mr. and Mrs. James Nichols were present and made statements. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Byrne to schedule this matter to an **Informal Interview**. Motion passed 7 ayes, 1 recusal.

7. 22-38, In Re: Austin Gifford, DVM

Mr. Edward Smith was present and made statements. After discussion and consideration, a motion was made by Ms. Frost to issue Dr. Austin a Letter of Concern for communication – no second, motion failed.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 7 ayes, 1 nay (Ms. Frost).

8. 22-39, In Re: Jatin Jadhvani, DVM

Dr. Jadhvani was present with attorney David Stoll and made statements. Ms. Elena Pritchette was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Byrne to reject the Investigative Committee's recommendation and **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Dr. Nausley, nay; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Soloman, nay; and Dr. Thompson, nay. Motion passed 5 ayes, 3 nays.

9. 22-40, In Re: Kaleigh Robinson, DVM

Dr. Robinson was present with attorney David Stoll and made statements. Ms. Elena Pritchette was present and made statements. 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 unanimously.

10. 22-43, In Re: Derek Matthews, DVM

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

11. 22-44, In Re: Sage Hubert, DVM

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

12. 22-45, In Re: Hailey Turner, DVM

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

13. 22-75, In Re: Larry Hudman, DVM

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

14. 22-93, In Re: Taylor Williams, DVM

Dr. Williams was present and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Nausley to **dismiss** this issue with no violation. Motion passed unanimously.

15. 22-95, In Re: Makenzie Kurth, DVM

Ms. Frost was absent. Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to dismiss this issue with no violation. Motion passed 7 ayes, 1 absent (Ms. Frost).

16. 22-97, In Re: Jamie Whiting, DVM

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

17. 22-100, In Re: Scot Diskin, DVM

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

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 22-42, In Re: Simon Escalada, DVM

Dr. Escalada was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Soloman to find Dr. Escalada in violation of:

- **A.R.S. § 32-2232 (15)** Distribution of prescription only drugs for other than legitimate purposes; and
- **A.R.S. § 32-2232 (26)** Prescribing or dispensing any prescription drugs in the absence of a valid veterinary client patient relationship.

Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

2. 22-20, In Re: Sara L. Ford, DVM

Ms. Frost was absent. Dr. Ford was present with attorney David Stoll, made statements and answered questions. Ms. Melanie Schmitt was present, made statements and answered questions. After discussion and consideration, a motion was made Dr. Wright and seconded by Dr. Nausley to **dismiss** this issue with no violation. Roll call: Dr. Byrne, aye; Dr. Nausley, aye;

Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

3. 22-25, In Re: John McWhirter, DVM

Case pended to future Board meeting.

4. 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 find Dr. Maher in violation of:

- **A.R.S. § 32-2232 (11) Gross negligence:**
 - *Failure to identify the dog was an intact female and possibly had a pyometra;*
 - *Failure to relay to the pet owner the seriousness of the dog's blood results and not recommending the dog be brought back in for re-evaluation; and*
 - *Failure to communicate with her associates the seriousness of the dog's condition ensuring proper follow up and care of the patient.*

Roll call: Dr. Byrne, nay; Dr. Nausley, aye; Ms. Frost, nay; Ms. Creager, nay; Dr. Wright, nay; Mr. Loughead, nay; Ms. Soloman, aye; and Dr. Thompson, nay. **Motion failed 6 nays, 2 ayes.**

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to dismiss this issue with no violation and issue a **Letter of Concern** for failure to communicate with associates the seriousness of the dog's condition and ensuring proper follow up care was provided to the dog and failure to ensure the pet owner understood the severity of the dog's blood work and immediate care was needed.

Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 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 in compliance with her Consent Agreement; made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright, to step down the requirement for Dr. Delano to attend AA meetings and submit reports to the Board with respect to her attendance. Motion passed unanimously.

2. 21-104: In Re: Bernard Cohen, 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 Dr. Wright and seconded by Ms. Soloman to accept Dr. Cohen's continuing education as required by his Board Order and return his license back to Active status. Motion passed unanimously.

3. 21-146: In Re: John Oplinger, DVM. Board may review, discuss, and take action on Dr. Oplinger's compliance with the Consent Agreement. Possible actions include, but are not limited to, opening a new complaint for non-compliance and/or offering an amended consent agreement.

- At 12:46pm, After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.
- At 1:00pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright, to amend Dr. Oplinger's Consent Agreement to:

- Require direct supervision whenever and wherever Dr. Oplinger provides veterinary services – including relief work;
- Dr. Oplinger is to provide the supervising veterinarian a copy of the Consent Agreement and compel them to advise the Board, in writing, on letterhead, that they have read and understand the requirements;
- Practice Monitor will no longer be required;
- The continuing education requirements remain unchanged; and
- Dr. Oplinger is required to sign the amended Consent Agreement within fifteen (15) days, or the matter will be scheduled for a Formal Hearing.

Roll call: Dr. Byrne, aye; Dr. Nausley, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Thompson, aye. Motion passed unanimously.

4. 21-118: In Re: Kenneth Halbach, DVM. Board may review, discuss, and take action on completion of Continuing Education as required by Consent Agreement and may return license to Active status.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to accept Dr. Halbach's completion of continuing education as required by his Consent Agreement and return his license to Active status. Motion passed unanimously.

5. 22-07: In Re: Michael Walker, 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 Dr. Wright and seconded by Ms. Soloman to approve Dr. Walker's continuing education plan submitted in compliance with his Consent Agreement. Motion passed unanimously.

6. 20-107: In Re: Erin Hisrich, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented including updated information pertaining to self-report pursuant to A.R.S. 32-3208(A).

Dr. Hisrich appeared with attorney Flynn Carey in compliance with her Consent Agreement.

- At 3:05pm, after discussion and consideration, a motion was made by Dr. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.
- At 3:19pm, the Board entered back into open session.

No action taken.

7. 21-146: In Re: John Oplinger, DVM. Board may review, discuss, and take action on Continuing Education plan submitted as required by Consent Agreement.

After discussion and consideration, a motion as made by Ms. Soloman and seconded by Dr. Wright to approve Dr. Oplinger's continuing education plan submitted as required by his Consent Agreement. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on case C-22-07, Aria Wolf, Unlicensed Practitioner.

Ms. Wolf appeared, made statements and answered questions. Ms. KaBryn Bray was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Byrne to close the matter. Motion passed unanimously.

2. Board may review, discuss, and take action on case C-22-09 Jyl Steinback, Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to close the matter. Motion passed unanimously.

3. Board may review, discuss, and take action on possible unlicensed practitioner, Lorri Sanchez.

No action. Discuss at a future Board meeting.

4. Board may review, discuss, and take action on veterinarian applications: a. Colin Durham

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

b. Ariana Monterosso

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

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

No action taken.

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

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to approve the annual review of Board Compensation policy; no changes made. Motion passed unanimously.

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

No action taken.

8. Board may review, discuss, and take action on 2022-2025 American Association of Veterinary State Boards' Letter of Agreement for administration of the Veterinary Technician National Examination (VTNE).

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to approve the AAVSB's Letter of Agreement for administration of the VTNE. Motion passed unanimously.

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

a. R3871: Dr. Kelly's Mobile Unit – Southeast Valley. Jessica Schneider, DVM.

After discussion and consideration, the Board directed staff to conduct a follow-up inspection to ensure compliance.

10. Board may review, discuss, and take action on results of American Association of Veterinary State Boards' "Board Basics and Beyond" training.

No action taken.

11. Board may review, discuss, and take action on information received on possible unlicensed practitioner Angela Schuller.

After discussion and consideration, Board directed staff to send Ms. Shuller an educational letter.

12. Board may review, discuss, and take action on complaint received regarding Calvin Cordell, deceased veterinarian.

No action taken.

13. 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. Rafael A. Falcon

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to find that Mr. Falcon's education could be determined the equivalent as required by A.R.S. 32-2242(B). Motion passed unanimously.

14. Board may review, discuss, and take action on H.B. 2014 (striker) regarding cat declawing; exceptions; prohibition.

After discussion and consideration, the Board directed Ms. Whitmore to speak with the Governor's Office regarding HB 2014.

15. Executive Director Report

a. Board member appointments update

Ms. Whitmore reported that Dr. Nausley and Dr. Thompson's appointments have been confirmed by the Senate. Ms. Soloman and Dr. Jaynes have been reappointed by the Governor.

b. Meeting room renovation

Ms. Whitmore reported that Board Room A renovations will be taking place for the next few months; therefore, future meetings will be held in Board Room B until further notice.

VI. REVIEW AND APPROVAL OF MINUTES

1. March 16, 2022 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the March 16, 2022 regular session minutes. Motion passed 7 ayes, 1 abstention (Ms. Creager).

2. March 16, 2022 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the March 16, 2022 executive session minutes. Motion passed 7 ayes, 1 abstention (Ms. Creager).

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3883: Animal Medical Center of Chandler. New Owner. Andrea Estrada-Strickland, DVM
2. R3885: Desert Sky Animal Hospital. New Owner. Kellee Blackwell, DVM
3. R3886: Julie M. Harbo, DVM, LLC. New Premises. Julie Harbo, DVM
4. R3887: Animal House Veterinary Clinic. New Owner. Connie Anderson, DVM
5. R3888: Vistancia Animal Hospital. New Responsible Veterinarian. Jason Long, DVM
6. R3889: Vetco Total Care #1104. New Premises. Santana Overton, DVM
7. R3890: Yavapai Emergency Animal Hospital. New Responsible Veterinarian. Barbara Batke, DVM
8. R3892: Pet Life Veterinary Clinic. New Premises. Fernando Notario Britez, DVM
9. R3893: Sonoran Foothills Pet Clinic. New Owner. Juliana Wesphal, DVM
10. R3894: Prickly Pear Holistic Veterinary Care. New Address. Lauren Genow, DVM
11. R3895: Animal Medical Center of Deer Valley. New Owner. Michael Lee, DVM
12. R3896: Vetco Total Care #1138. New Premises. Thomas Campagnolo, DVM
13. R3897: Tender Loving Care Veterinary Services & Supply – Petz Place. New Premises. Christie Keim, DVM
14. R3898: Tender Loving Care Veterinary Services & Supply – Pratt's Pets Mesa. New Premises. Christie Keim, DVM
15. R3899: Tender Loving Care Veterinary Services & Supply – Risen Star Kennel. New Premises. Christie Keim, DVM
16. R3900: Tender Loving Care Veterinary Services & Supply – Doggie Day Camp. New Premises. Christie Keim, DVM
17. R3901: Tender Loving Care Veterinary Services & Supply – Premier Feed and Pet. New Premises. Christie Keim, DVM
18. R3902: Tender Loving Care Veterinary Services & Supply – Mobile Unit. New Premises. Christie Keim, DVM
19. R3903: Tender Loving Care Veterinary Services & Supply – Ruggerio's Ace Hardware. New Premises. Christie Keim, DVM
20. R3904: Tender Loving Care Veterinary Services & Supply – Kabat's San Tan Ace Hardware. New Premises. Christie Keim, DVM
21. R3905: Tender Loving Care Veterinary Services & Supply – Hope's Boarding Camp. New Premises. Christie Keim, DVM
22. R3906: Tender Loving Care Veterinary Services & Supply – Peoria's Pet Market. New Premises. Christie Keim, DVM

- 23. R3907: Rio Verde Equine Sports Medicine. New Address. Stephen Day, DVM
- 24. R3908: Vet2U – Enlightened Veterinary Care. New Address. Siobhan Jones, DVM
- 25. R3909: Deer Creek Animal Hospital. New Owner. Suzanne Higgins, DVM
- 26. R3910: Desert Ark Veterinary Care – Central. New Premises. Rian Calugcugan, DVM
- 27. R3911: Hermitage No Kill Cat Shelter & Sanctuary. New Responsible Veterinarian. Erica Giles, DVM
- 28. R3912: Ahwatukee Animal Care Hospital. New Responsible Veterinarian. Alexandra Velazquez, DVM
- 29. R3917: Acacia Animal Hospital. New Owner. Marc Laudonio, DVM

**A (8), (9), (10), (15), (16), (19), (20) and (24) removed from Consent Agenda.
Approval of Premises Inspections granted.**

B. Approval of Random Premises Inspections – Responsible Veterinarian

- 1. R2183: Prescott Animal Hospital. Kenneth Skinner, DVM

Approval of Random Premises Inspections granted.

C. Approval of Random Animal Crematory Inspections – Responsible Owner

- 1. C0055: Family Pet Services Crematory. Warren Lelafu

Approval of Random Animal Crematory Inspections granted.

D. Approval of Premises Change of Scope Requests

- 1. R1090: Eastside Spay/Neuter Pet Clinic. Add Mobile Unit. Maria Curtis, DVM

Approval of Premises Change of Scope Requests granted.

Items Removed From Consent Agenda:

A (9), (10), (15), (16), (19), (20) and (24)

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

A (8):

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 unanimously.

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, May 18, 2022**, 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 4:14pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'V. Whitmore', written in a cursive style.

Victoria Whitmore, Executive Director