



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
May 18, 2016
Board Room, at 8:30 a.m.
9535 E. Doubletree Ranch Rd.
Scottsdale, Arizona 85258

Members Present: Mr. Jim Loughead, Ms. Nikki Frost, CVT, Dr. Les Hatfield, Ms. Jessica Amend, Dr. Sarah Heinrich, Dr. Darren Wright, Dr. J. Greg Byrne, Dr. Christina Bertch-Mumaw, and Ms. Julie Young.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director; Ms. Sunita Krishna, Assistant Attorney General (A.A.G.); Gina Pickering, Compliance Specialist; and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

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

II. INITIAL INVESTIGATIVE REVIEW

1. 16-33, In Re: Marissa Steinberg, DVM.

Dr. Steinberg was present and made statements. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to disagree with the Investigative Committee's recommendation and **dismiss** this matter with no violation. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, nay; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughead, aye; Ms. Young, nay; and Dr. Wright, nay. **Motion passed** 6 ayes, 3 nays.

After further discussion and consideration, a motion was made by Ms. Young and seconded by Dr. Wright to open an investigative case against the premise's Responsible Veterinarian. Roll call: Dr. Heinrich, nay; Dr. Bertch-Mumaw, nay; Dr. Hatfield, nay; Ms. Amend, aye; Ms. Frost, nay; Dr. Byrne, nay; Mr. Loughead, aye; Ms. Young, aye; and Dr. Wright, aye. **Motion failed** 4 ayes, 5 nays.

2. 16-41, In Re: Lystra Lloyd, DVM.

Dr. Heinrich was recused. 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 recusal.

3. 16-42, In Re: Vera Tucker, DVM.

Dr. Heinrich was recused. 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 8 ayes, 1 recusal.

4. 16-43, In Re: Melvin Pence, DVM.

Dr. Pence was present with attorney David Stoll and made statements. Mr. Lance Lane was present and made statements. After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to schedule this matter for an **informal interview**. Motion passed 8 ayes, 1 abstention (Mr. Loughhead).

5. 16-44, In Re: Scott Hoffman, DVM.

Attorney, David Stoll, was present to monitor. 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 unanimously.

6. 16-45: In Re: John Augustine, DVM.

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

7. 16-46: In Re: Walter Kurth, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Bertch-Mumaw to schedule this matter for an **informal interview**. Motion passed unanimously.

8. 16-47: In Re: Tanya Lopez, DVM.

Dr. Wright was recused. 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 8 ayes, 1 recusal.

9. 16-49: In Re: Sophia Kaluzniacki, DVM.

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

10. 16-50: In Re: Maya Bellapianta, DVM.

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

11. 16-75: In Re: L. Clayton Wengert, DVM.

After discussion and consideration, a motion was made by Ms. Amend and seconded by Dr. Bertch-Mumaw to find Dr. Wengert in violation of ARS § 32-2232 (18) for failing to submit

a continuing education plan in compliance with a Board Order. Motion passed unanimously.

After further discussion and consideration, a motion was made to offer Dr. Wengert a **Consent Agreement** that includes a **\$250 civil penalty**. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, aye; Mr. Loughhead, aye; Ms. Young, aye; and Dr. Wright, aye. **Motion passed** unanimously.

12. 16-76: In Re: Cynthia Barnes, DVM.

Dr. Bertch-Mumaw and Ms. Frost were recused. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to accept the Investigative Committee's recommendation and **dismiss** this matter with no violation. Motion passed 7 ayes, 2 recusals.

III. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-26: In Re: Laura Harris, DVM. Continuance of Informal Interview of April 20, 2016, for the purpose of receiving additional information and reviewing and possible action to approve proposed Findings of Fact, Conclusions of Law and adopting an Order.

Dr. Byrne was recused. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to accept the proposed Findings of Fact as drafted. Motion passed 8 ayes, 1 recusal.

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Wright to amend, and adopt as amended, the Conclusions of Law- failure to provide professionally acceptable procedure for: (1) the Respondent's dosing regarding the aspirin; (2) lack of proper communication regarding aspirin therapy and the cessation of getting it; and (3) documenting that recommendation on the invoice and for not obtaining a proper physical exam and proper diagnostics for an ill patient. Motion passed 8 ayes, 1 recusal.

After further discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to issue Dr. Harris an Order that includes a period of **Probation** for one **(1) year** to obtain a total of **6 hours** of continuing education in addition to the statutory requirements for license renewal. Those hours are to include:

- **Two (2) hours** in small animal NSAID use; and
- **Four (4) hours** in communications and medical record keeping. Any combination of these topics to total four hours is acceptable.

The Order shall also include a **\$300 civil penalty** to be paid before the end of the Probationary term. Roll call: Dr. Heinrich, aye; Dr. Bertch-Mumaw, aye; Dr. Hatfield, aye; Ms. Amend, aye; Ms. Frost, aye; Dr. Byrne, recused; Mr. Loughhead, aye; Ms. Young, aye; and Dr. Wright, aye. Motion passed.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 15-13, In Re: Kimberlei Hurst, DVM. Quarterly Board appearance in compliance with Consent Agreement.

Mr. Loughhead was recused. Dr. Hurst was present, made statements and answered questions in compliance with her Consent Agreement.

2. 15-106, In Re: Raymond Anderson, 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. Hatfield and seconded by Dr. Wright to grant Dr. Anderson a 60-day extension to submit a revised continuing education (CE) plan related to pre-anesthetic protocols and approve partial continuing education plan submitted in compliance with Board Order. Motion passed unanimously.

3. 15-85, In Re: L. Clayton Wengert, DVM. Board may review, discuss, and take action on completion of continuing education plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Ms. Amend to grant Dr. Wengert a 60-day extension to submit a revised continuing education (CE) plan for medical record keeping if he has already begun the medical record keeping course without the Board's prior approval, and approve the Ethics and Client Communications portion of his CE plan submitted in compliance with his Board Order. Motion passed unanimously.

4. 16-21: In Re: Jim Rusher, DVM. Board may review, discuss, and take action on compliance with Consent Agreement and may vote to lift Stay of Suspension.

Dr. Hatfield was recused. Dr. Rusher appeared telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Amend to lift Dr. Rusher's Stay of Suspension as outlined in his Board Order, suspending his veterinary license, and remand this matter to a Formal Hearing for possible Revocation.

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

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Bertch-Mumaw to open an unlicensed practitioner case against Landon Ames for possibly practicing veterinary medicine without a license. Motion passed 8 ayes, 1 recusal.

5. 16-01: In Re: Richard Livingston, 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. Wright and seconded by Dr. Bertch-Mumaw to grant Dr. Livingston a 60-day extension to submit a more detailed continuing education (CE) plan regarding the courses he will be attending in compliance of his Board Order. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary application and licensure for:

a. Viviana Zumpano

Dr. Zumpano was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Bertch-Mumaw to approve licensure pending receipt of issuance fee and proof of graduation. Motion passed unanimously.

2. Board may review, discuss, and take action on veterinary technician certification pending receipt of issuance fee.

- a. Christina Aldana
- b. Amanda Anderson
- c. Molly Brown
- d. Hazel Elena
- e. Amber Fleitz
- f. Devyn Garcia
- g. Sierra Judd
- h. Felicia E. Mathis-Gregory
- i. Adam Staerker
- j. Alyssa Uribe
- k. Brittany R. Walls
- l. Elaine Wasser

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve the above veterinary technician certifications pending receipt of issuance fee. Motion passed unanimously

3. Board may review, discuss, and take action on denial of certification for veterinary technician applicants who failed the VTNE and/or State exam. List available upon request.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to deny certification of veterinary technician applicants who failed the VTNE and/or State exam and appoint Ms. Whitmore to represent the Board if a settlement conference is requested, with her authority limited to denial. Motion passed unanimously.

4. Board may review, discuss, and take action on unlicensed practitioner, Jorge Diaz.

No action taken by Board as matter is being investigated by the county attorney's office.

5. Board may review, discuss, and take action on request for approval of continuing education for Dog Behavior and Cognition XSeries, by Dr. Clive Wynne, Ph.D. and ASU.

After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Bertch-Mumaw to direct staff to request a more detailed course syllabus and instructor credentials before Board can consider the request for continuing education approval for Dog Behavior and Cognition XSeries, by Dr. Clive Wynne, Ph.D. and ASU. Motion passed unanimously.

6. Board by review, discuss, and take action on veterinary application and request for temporary permit pending proof of graduation and applicant's affidavit requesting permit.

- a. Emily Ozmun

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Hatfield to allow Ms. Ozmun to sit for the exam, issue her a temporary permit pending submission of proof of graduation and affidavit requesting permit, and have her appear before the Board prior to licensure. Motion passed unanimously.

7. Board may review, discuss, and take action on request for Temporary Permit pending receipt of proof of graduation and applicant's affidavit requesting permit.

- a. Amanda Amstutz
- b. Kelsey Gardner

- c. Nolan McCain
- d. Hanna Canfield
- e. Drew Pearson
- f. Matthew Hay-Roe

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve the Temporary Permits pending submission of proof of graduation and applicants' affidavit requesting permit. Motion passed unanimously.

8. Board may review, discuss, and take action on approval of continuing education for American Holistic Veterinary Medical Association.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve 22 credit hours of continuing education from the American Holistic Veterinary Medical Association. Motion passed unanimously.

9. Board may review, discuss and take action on equine dental practitioner registration from Gary Biggerstaff.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to accept the materials submitted by Mr. Biggerstaff as it appears he has complied with the requirements of ARS § 32-2231(B)(3)(c). Motion passed unanimously.

10. Board may review, discuss, and take action on request for approval of Veterinary License pending receipt of issuance fee and proof of graduation.

- a. Ranimol Antony
- b. Camille Black
- c. Gemma Cock
- d. Ariel Loreda
- e. Jenna Manacki
- f. Sebastian Mejia
- g. Karissa Sciacca
- h. Jennifer Siess
- i. Rebecca Storck
- j. Kristin Timiney
- k. Aubrielle Williams
- l. Viviana Zumpano

After review and discussion, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve the above veterinary licenses pending receipt of issuance fee and proof of graduation. Motion passed unanimously. The Board took no action on item "L," as Dr. Zumpano's license approval had been considered under agenda item V. #1a.

11. Board may review, discuss, and take action on denial of Veterinary License for failure to pass the State exam. List available upon request.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to deny licensure of veterinary applicants who failed the State exam and appoint Ms. Whitmore to represent the Board if a settlement conference is requested, with her authority limited to denial. Motion passed unanimously.

12. Executive Director Report

a. July Board meeting

Ms. Whitmore noted that the July meeting will be held telephonically.

b. FY17 appropriation

Ms. Whitmore reported that the Governor had signed the FY17 budget, which funded the Board's requests, including funding for an online license renewal system.

c. IT project update

Ms. Whitmore reported that a project has begun to make adjustments to the system in preparation for the online license renewal system, which is scheduled to be available for the upcoming renewal cycle.

13. Board may review, discuss, and take action on training regarding:

a. Citation to applicable rules concerning ARS § 32-2233(B)(3) when finding an administration violation for minor records keeping violations that are routine entries into a medical record that do not affect the diagnosis or care of the animal.

Ms. Krishna reviewed this statute.

b. Board meeting procedures

Ms. Whitmore discussed the new quick reference handouts that provide a broad overview of typical board actions.

VI. REVIEW AND APPROVAL OF MINUTES

a. January 20, 2016 Regular Session

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to approve the January 20, 2016, regular session minutes as drafted. Motion passed 5 ayes, 4 abstentions (Ms. Amend, Ms. Frost, Dr. Heinrich, Dr. Wright).

b. January 20, 2016 Executive Session

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to approve the January 20, 2016, executive session minutes as drafted. Motion passed 5 ayes, 4 abstentions (Ms. Amend, Ms. Frost, Dr. Heinrich, Dr. Wright).

c. February 5, 2016 Special Meeting Regular Session

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Amend to approve the February 5, 2016, special meeting regular session minutes as drafted. Motion passed 5 ayes, 4 abstentions (Ms. Amend, Ms. Frost, Dr. Heinrich, Dr. Wright).

d. April 20, 2016 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the April 20, 2016, regular session minutes as drafted. Motion passed 8 ayes, 1 abstention (Dr. Bertch-Mumaw).

e. April 20, 2016 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Amend to approve the April 20, 2016, executive session minutes as drafted. Motion passed 8 ayes, 1 abstention (Dr. Bertch-Mumaw)

VII. CONSENT AGENDA

A. Approval to take State Veterinary Exam

1. Barbour, Randy (E)
2. Chintis, Christine (R)
3. Conway, Amber (R)
4. Gardner, Kelsey (R)
5. Griggs, Lauren (R)
6. Hamilton, Kathleen (R)
7. Hindmarsh, Dalton (R)
8. Jaffe, Ilona (R)
9. Kafer, Shannon (R)
10. Lee, Jonathan (R)
11. Linkous, Sidney (R)
12. McClain, Nolan (R)
13. Osborne, Karla (R)
14. Rhodes, Kristi (R)
15. Schneider, Lauren (R)
16. Sosnow, Lara (R)
17. Stewart, Nikia (E)
18. Turner, Derek (E)
19. Canfield, Hanna (R)
20. Carter, Mark (R)
21. Clanin, Amanda (E)
22. Covert, Jill (R)
23. Farrell, Tara (R)
24. Furman, Robert (E)
25. Meschino, Carly (R)
26. Nelson, Dorothy (R)
27. Pearson, Drew (R)
28. Skinner, Allen (R)
29. Wiederholt, Julia (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Premise Licenses

1. R2630: Estrella Equine Practice, Inc. New Address. William Joslin, DVM.
2. R2632: North Buckeye Animal Hospital. New Responsible Veterinarian. Kelli Evans, DVM.
3. R2634: Southwest Veterinary Oncology. New Address. Mary Klein, DVM.
4. R2635: Banfield Pet Hospital #0132. New Responsible Veterinarian. Courtney Steinhauer, DVM.
5. R2636: Veterinary Services by Morrison. New Address. Michelle Morrison, DVM.
6. R2637: Dental Dog. New Premise. Michelle Morrison, DVM.
7. R2638: Sundance Animal Hospital. New Owner. New Responsible Veterinarian. Lori Coles-Vallar, DVM.
8. R2639: Banfield Pet Hospital #2474. New Responsible Veterinarian. Kaycie Baxley, DVM.
9. R2643: TLC Veterinary Services – Pet Club – Chandler Heights. New Premise. Leslie Wootton, DVM.
10. R2645: Banfield Pet Hospital #1191. New Owner. New Responsible Veterinarian. Erin Robinson, DVM.

Approval of Premise Licenses granted.

C. Random Premise Inspections

1. R1467: Parkway Animal Clinic, LLC. Timothy White, DVM.
2. R1571: Family Vet Care of Chandler. William Wodiske, DVM.
3. R1591: Caring Hearts Animal Clinic. Alvin Schleappe, DVM.
4. R1611: Topaz Veterinary Clinic. Sarah Berthiaume, DVM.

Approval of Random Premise Inspections granted.

D. Approval of Premise Change of Scope Request

1. R1628: Kaibab Veterinary Clinic. Add Mobile Unit. J. Martin, DVM.

Approval of Premise Change of Scope Requests granted.

E. Approval to take the Certified Veterinary Technician Exams

1. Budelier, Lisa
2. Golden, Michaela
3. Mergerle, Samantha
4. Parkhurst, Lynn
5. Shalvay, Kimberly
6. Schroeder, Heather
7. Siera, Miranda
8. Tolden, Teagan
9. Woods, Jazzmyn
10. Harper, Nichole
11. Miller, Rachel
12. Rodriguez Lopez, Marisol
13. Weygint, Jessica

Approval to take the Certified Veterinary Technician State Exam granted.

F. Approval of Temporary Permit

1. Furman, Robert (E)
2. Carter, Mark (R)

Approval of Temporary Permit granted.

G. Approval of Veterinary License

1. Bush, Ronald (S)
2. Calaceto, Donald (E)
3. Deutsch, Joseph (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. Motion passed unanimously.

VIII. SUMMARY OF CURRENT EVENTS

Mr. Loughhead informed the Board that the state legislature approved the funding for the University of Arizona veterinary program.

Dr. Bertch-Mumaw informed the Board that the AVMA declined the specialty practice for acupuncture.

IX. CALL TO PUBLIC

No member of the public wished to speak.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on June 15, 2016, beginning at 8:30 a.m. at 9535 E. Doubletree Ranch Road, Scottsdale, Arizona, 85258, in the Board Room. This will be the Board's Annual Meeting.

XI. ADJOURNMENT

The meeting adjourned at 10:56 a.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Victoria Whitmore". The signature is written in black ink and is positioned above a horizontal line.

Victoria Whitmore, Executive Director