

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

May 18, 2022

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

1740 W. Adams Street, Board Room B

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughhead, Ms. Jane Soloman, Ms. Jessica Creager, Dr. Melissa Thompson, Dr. Craig Nausley, Ms. Nikki Frost, CVT, 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 8:35 a.m.

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

1. 22-46, In Re: Carie Bikson, DVM

Attorney T. Scott King was present and made statements on behalf of Dr. Bikson. 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 and issue Dr. Bikson a **Letter of Concern** with respect to ensuring her associates and team members are making accurate entries in the patients' medical records. Roll call: Ms. Creager, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Mr. Loughhead, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to open an investigation regarding Dr. Bikson's associates, Dr. Duthie and Dr. Munhall, with respect to their treatment of the dog. Motion passed unanimously.

2. 22-48, In Re: Shayne Garner, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to accept the Investigative Committee's recommendation and dismiss this issue with

no violation and issue a **Letter of Concern** with respect to communicating with the pet owner. Roll call: Ms. Creager, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, nay; Mr. Loughhead, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed 7 ayes, 1 nay.

3. 22-49, In Re: Benjamin Savard, 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.

4. 22-50, In Re: Catalin Petcu, DVM

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

5. 22-53, In Re: Kathleen Slocum, DVM

After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Nausley to schedule this matter to an **Informal Interview**. Motion passed unanimously.

6. 22-54, In Re: Elena Ault, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Thompson to schedule this matter to an Informal Interview; **no second – motion failed**.

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

7. 22-55, In Re: Karla Lombana, DVM

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

8. 22-56, In Re: Timothy Menghini, DVM

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

9. 22-81, In Re: Melinda Striyle, DVM

Attorney Sara Stark was present to monitor. Dr. Timothy Wright was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

10. 22-82, In Re: Jess Darmofal, DVM

Attorney David Stoll was present to monitor. Dr. Timothy Wright was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and

seconded by Ms. Creager to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

11. 22-57, In Re: Ryan Bunce, DVM

Mr. Fred Goldman was present and made statements. 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.

12. 22-79, In Re: Tatum Wales, DVM

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

13. 22-112, In Re: Barbara Batke, DVM

Ms. Frost was recused. Dr. Batke was present and made statements. Ms. Nicole Frost 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 7 ayes, 1 recusal (Ms. Frost).

14. 22-113, In Re: Melissa Berthiaume, DVM

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

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 22-36, In Re: Rowena D'Monte, DVM

Dr. D'Monte was present with attorney David Stoll, made statements and answered questions. Mr. and Mrs. James Nichols were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Dr. Byrne to find Dr. D'Monte in violation of:

- **A.R.S. § 32-2232 (11)** Gross negligence: failure to ensure the anesthetic equipment was functioning properly (pop-off valve was closed) and staff was supervised, which ultimately led to the death of the dog; and
- **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 for not speaking with the pet owners after the dog's passing or any subsequent communication.

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

2. 22-37, In Re: William Langhofer, DVM

Dr. Langhofer was present telephonically, made statements and answered questions. Attorney David Stoll was present. Mr. and Mrs. James Nichols were present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring there is continued training of associate

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

3. 22-33, In Re: Monika Durgin, DVM

Dr. Durgin was present with attorney David Stoll, made statements and answered questions. Mr. Joseph Brekan was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Jaynes to find Dr. Durgin in violation of:

- **A.R.S. § 32-2232 (11)** Gross negligence; for failure to be aware of the proper dose of TTDex for a compromised animal that was administered to the dog which led to respiratory depression and eventually death; and not properly monitoring the dog prior to surgery; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (4)** failure to ensure the dog was examined, or the exam was documented in the medical record, and ensuring timed entries documented into the medical record were accurate.

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

4. 22-25, In Re: John McWhirter, DVM

Dr. McWhirter was present, made statements and answered questions. Ms. Taylor Haskins was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Byrne to find Dr. McWhirter in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** for failure to communicate to the pet owner on September 7, 2021 the seriousness of the dog's blood results and not recommending the dog be brought back in for re-evaluation. Roll call: Ms. Creager, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Mr. Loughead, nay; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed 7 ayes, 1 nay (Mr. Loughead).

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Byrne to find Dr. McWhirter in violation of **A.R.S. § 32-2232 (11)** Gross negligence; for administering a long-acting steroid to a dog exhibiting symptoms of illness without a diagnosis or presumptive diagnosis causing unnecessary suffering. Roll call: Ms. Creager, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, nay; Mr. Loughead, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed 7 ayes, 1 nay (Dr. Jaynes).

5. 22-42: In Re: Simon Escalada, DVM – Continuance of Informal Interview of April 20, 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. Byrne and seconded by Ms. Creager to adopt the Findings of Fact and Conclusions of Law as drafted; and issue Dr. Escalada an Order that includes a period of Probation of 1-year to obtain an additional six (6) hours of continuing education, in addition to the statutory requirements to maintain licensure. Those six (6) hours shall include:

- Three (3) hours CE in VCPR/Medical record keeping; and
- Three (3) hours CE in prescription drugs.

In addition to the continuing education, Dr. Escalada shall review the Veterinary Practice Act and submit a written summary to the Board on or before the end of the Probationary period. Furthermore, Dr. Escalada shall attend a Board meeting to observe the Initial Investigative Reviews and Informal Interviews.

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

IV. ADMINISTRATIVE (FORMAL) HEARING

1. 21-96 and 22-94: In Re: Melanie Rettler, DVM

The Board conducted a formal administrative hearing. Assistant Attorney General, Marc Harris, represented the State, made opening and closing statements, presented exhibits, and asked questions of the witness. Witness, Executive Director for the Arizona State Veterinary Examining Board, Victoria Whitmore, was present and testified.

Assistant Attorney General, Sunita Krishna Cairo, was present to provide independent legal advice to the Board.

The Board received information that Dr. Rettler was properly served with the Complaint and Notice of Hearing. The Board chair confirmed that Dr. Rettler was not present for the hearing. The Board tabled the Formal Hearing for approximately 15 minutes to allow additional time for Dr. Rettler to appear. Dr. Rettler did not appear.

At the request of State, and due to no objections, the Board chair admitted the State's exhibits 1-10.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to adopt the State's Factual Allegations and Allegations of Unprofessional Conduct as its Findings of Fact, as amended (date correction), and Conclusions of Law. Motion passed unanimously.

The Board then received information regarding Dr. Rettler's past disciplinary history. After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to issue Dr. Rettler an Order for **Revocation** of her veterinary license, number 2059. Roll call: Ms. Creager, aye; Dr. Thompson, aye; Ms. Soloman, aye; Dr. Jaynes, aye; Mr. Loughead, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed unanimously.

The Board chair indicated that the Board's decision would be reduced to a written order and that the parties would have further appeal rights. The matter concluded.

V. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 21-66: In Re: Tressa MacLennan, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. MacLennan appeared in compliance with her Consent Agreement, made statements and answered questions.

2. 20-86: In Re: Leon Ford, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Ford appeared in compliance with his Consent Agreement, made statements and answered questions.

➤ At 10:10am, a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session for legal advice. Motion passed unanimously.

➤ At 10:13am, the Board entered back into open session.

No action taken.

3. 22-17: In Re: John Oplinger, 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 Ms. Soloman and seconded by Ms. Creager to accept Dr. Oplinger's continuing education plan submitted in compliance with his Consent Agreement. Motion passed unanimously.

4. 22-123: In Re: Edwin Kiesel, DVM. Board may review, discuss, and take action on initial audit by Practice Monitor as required by Consent Agreement.

After discussion and consideration, Board directed staff to clarify the practice monitor's responsibilities to Dr. Kiesel and the practice monitor. Additionally, invite Dr. Kiesel to appear before the Board, and practice monitor telephonically, if she would prefer.

5. 19-71: In Re: Celeste Roy, DVM. Board may review, discuss, and take action on request to be excused from testing in June 2022 and June quarterly Board appearance.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to allow Dr. Roy to reschedule her quarterly Board appearance to July and complete her testing prior to her appearance. Motion passed unanimously.

6. 20-86: In Re: Leon Ford, DVM. Board may review, discuss, and take action on request from Respondent to end term of Probation before scheduled date.

See V. #2.

VI. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on unlicensed practitioner case C-22-11, Lorri Sanchez.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to send Ms. Sanchez an educational letter and close the matter. Motion passed unanimously.

2. Board may review, discuss, and take action on unlicensed practitioner case C-22-10, Danny Scott.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to send Mr. Scott and educational letter and close the matter. Motion passed unanimously.

3. Board may review, discuss, and take action on request for Continuing Education course approval for use by licensees and certificate holders toward renewal.

b. Understand Your Controlled Substance Program presented by Nicole J. Frost CVT, CVPM, SHPR, SHRM-SCP (October 13, 2022, December 6, 2022, December 8, 2022, December 12, 2022 (2 sessions))

Ms. Frost was recused. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve continuing education course Understand Your Controlled Substance Program presented by Nicole J. Frost CVT, CVPM, SHPR, SHRM-SCP. Motion passed 7 ayes, 1 recusal (Ms. Frost).

4. 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 application requirements, per A.R.S. §41-1001.02:

a. Michael Martinez

Ms. Frost recused. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Mr. Martinez's education with respect to A.R.S. §32-2242(B) pertaining to Certified Veterinary Technician application requirements, per A.R.S. §41-1001.02 Motion passed 7 ayes, 1 recusal (Ms. Frost).

5. Board may review, discuss, and take action on C-22-06, Danielle Hinch, possible unlicensed practitioner.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to send Ms. Hinch an educational letter and close the matter. Motion passed unanimously.

6. Board may review, discuss, and take action on letter from Vets to Pets Housecall Service regarding proposed statute change related to Veterinary Client Patient Relationship definition.

After discussion and consideration, the Board directed staff to contact Vets to Pets Housecall Service to explain that the Board does not make statute changes.

7. Board may review, discuss, and take action on Scope of Work and project costs for e-licensing system from Thentia.

Ms. Whitmore updated the Board regarding the draft Scope of Work for the planned e-licensing system from Thentia. No action taken.

8. Executive Director Report:

a. Legislative Update:

- i. HB2626: animal handling; microchip scan**
- ii. HB2587: public records; point of contact**
- iii. HB2612: occupational regulation (moral character requirement)**
- iv. HB2014: (striker): cat declawing**

Ms. Whitmore updated the Board with respect to legislative changes and bills. No action taken.

VII. REVIEW AND APPROVAL OF MINUTES

1. April 20, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to approve the April 20, 2022 regular session minutes. Motion passed 7 ayes, 1 abstention (Dr. Jaynes).

2. April 20, 2022 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to approve the April 20, 2022 executive session minutes. Motion passed 7 ayes, 1 abstention (Dr. Jaynes).

VIII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3913: The Vets of Phoenix Mobile. New Premises. Kimberley Shaird, DVM
2. R3914: Integrative Veterinary Medical Center. New. Responsible Veterinarian. Ashley Schwartz, DVM
3. R3915: Exceptional Pets- Chandler. New Responsible Veterinarian. Crystal Bley, DVM
4. R3916: Animal Medical Center of Surprise. New Address. Melvin Paquin, DVM
5. R3918: Phoenix Mobile Veterinarians. New Premises. Kristin Fornara, DVM
6. R3919: Lap of Love Services, LLC. New Premises. Alondra Velez, DVM
7. R3920: Lightning Spear Veterinary Services. New Premises. Victoria Lowe, DVM
8. R3922: Exceptional Pets – Mesa. New Responsible Veterinarian. Andrew Marshall, DVM
9. R3923: ZenPetVet. New Premises. Laura McMahan, DVM
10. R3924: Reneger Mobile Veterinary Services. New Premises. Brian Reneger, DVM
11. R3925: Banfield Pet Hospital #5184. New Responsible Veterinarian. Emily Fassbaugh, DVM

A (6), (7), (9), (10) and (11) removed from Consent Agenda.

Approval of Premises Inspections granted.

B. Approval of Animal Crematory License – Responsible Owner

1. C0058: My Beloved Pet Crematory. New Animal Crematory. Joseph Rundlett.

Approval of Animal Crematory Licenses granted.

C. Approval of Premises Name Change Responsible Veterinarian

1. R3349. Overgaard Animal Clinic to Northern AZ Animal Clinic. Carol Yeisley, DVM.

Approval of Premises Name Change granted.

D. Approval of Random Premises Inspections – Responsible Veterinarian

1. R1421. Gary Kaufman, DVM. Gary Kaufman, DVM

Approval of Random Premises Inspections granted.

Items Removed From Consent Agenda:

A (6), (7), (9), (10) and (11)

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

IX. SUMMARY OF CURRENT EVENTS

No current events.

X. CALL TO THE PUBLIC

No members of the public present.

XI. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, June 15, 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 3:21 pm.

Respectfully submitted,



Victoria Whitmore, Executive Director

