

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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MINUTES

May 19, 2021

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

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

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

Members Absent: Dr. Sarah Heinrich.

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. 21-34, In Re: Christopher Monarski, DVM

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

2. 21-36, In Re: Judith Hammerich, DVM

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

3. 21-37, In Re: Sheila Martin-Tempel, DVM

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

4. 21-38, In Re: Randy Aronson, 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. 21-39, In Re: Tatiana Seguro Elizondo, DVM

Ms. Christine Henderson-Starr was present telephonically, made statements and answered questions. Ms. Abby Henderson-Starr was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Dr. Wright to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

6. 21-40, In Re: Andrew Tornell, DVM

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

7. 21-41, In Re: Christopher Paige, DVM

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 unanimously.

8. 21-42, In Re: Gayle Bilisland, DVM

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

9. 21-43, In Re: Christina Nutter (Guttuso), DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Nutter (Guttuso) a **Consent Agreement**, finding the Investigative Committee's Finding of Fact as the Board's Findings of Fact with respect to the concerns of posting a photograph of the cat on social media without the pet owner's consent, and finding Dr. Nutter (Guttuso) in violation of:

- **A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1)** failure to show respect and provide considerate treatment to the pet owner by posting a photograph of the cat on social media without the pet owner's consent.

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

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to offer Dr. Nutter (Guttuso) a Consent Agreement that includes a period of Probation for 1-year to obtain an additional **four (4) hours of continuing education in ethics**, in addition to the statutory requirements to maintain licensure. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

10. 21-44, In Re: Brian Serbin, 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. Motion passed unanimously.

11. 21-45, In Re: Courtney Deer, DVM

Attorney David Stoll was present to monitor. Mr. Frederick Milens and Ms. Ashanna Biliter were present, made statements and answered questions. Attorney Kyle O'Dwyer was present, made statements and answered questions. After discussion and consideration, a motion was made

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

12. 21-46, In Re: Nicolette Meredith, DVM

Attorney David Stoll was present to monitor. Mr. Frederick Milens and Ms. Ashanna Biliter were present, made statements and answered questions. Attorney Kyle O'Dwyer was present, made statements and answered questions. 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.

13. 21-47, In Re: Jonathan Schnier, DVM

Attorney David Stoll was present to monitor. Mr. Frederick Milens and Ms. Ashanna Biliter were present, made statements and answered questions. Attorney Kyle O'Dwyer was present, made statements and answered questions. 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.

14. 21-48, In Re: Carmen McGee (Yeamans), DVM

Attorney David Stoll was present to monitor. Mr. Frederick Milens and Ms. Ashanna Biliter were present, made statements and answered questions. Attorney Kyle O'Dwyer was present, made statements and answered questions. 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.

15. 19-82, In Re: Laura Waters, DVM

Attorney David Stoll was present and made statements on behalf of Dr. Waters. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to **dismiss** this issue with no violation and direct staff to follow up to ensure Dr. Waters completed the terms of her agreement with Washington State. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 21-30: In Re: Josh Finch, DVM

Dr. Finch was present telephonically, made statements and answered questions. Attorney David Stoll was present. Ms. Porsher Black was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Byrne to find Dr. Finch in violation of:

- **A.R.S. 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide courteous verbal interchange by not effectively communicating with the pet owners regarding the ultrasound results and answering questions regarding the care and treatment of the dog; and failure to use current professional and scientific knowledge with respect to recommending a urinalysis and potential fluids if needed at that time. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to find Dr. Finch in violation of:

- **A.R.S. 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (4)** failure to perform an exam on the dog on 8/19/20. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes,

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

2. 21-131: In Re: PALS – Pet & Animal Lovers Service, Inc.

The Board granted Mr. Daniel Heuerman's request to reschedule the matter to the June Board meeting.

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 appeared in compliance with her Consent Agreement; made statements and answered questions. Dr. Roy requested the Board approve her international travel. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to approve Dr. Roy's international travel pending a favorable neuropsychological evaluation as required by the Consent Agreement. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

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. After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to step down Dr. Ford's drug testing to quarterly. Roll call: Dr. Byrne, aye; Ms. Creager, aye; Ms. Frost, aye; Dr. Jaynes, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

3. 20-107: In Re: Erin Hisrich, DVM. Quarterly appearance as required by Consent Agreement. Board may review, discuss, and take action on information presented.

Dr. Hisrich appeared, with attorney Mr. Flynn Carey, in compliance with her Consent Agreement; made statements and answered questions.

4. 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.

5. 20-53: In Re: Sarah Anderson-Kain, 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 if civil penalty has been paid.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to approve Dr. Anderson-Kain's completion of continuing education in compliance with her Board Order and return her license to Active status. Motion passed unanimously.

6. 20-72: In Re: Jolene Conley, 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 Ms. Creager and seconded by Ms. Soloman to approve Dr. Conley's completion of continuing education in compliance with her Board Order and return her license to Active status. Motion passed unanimously.

7. 20-83: In Re: Hugo Santibanez, DVM. Board may review, discuss, and take action on revised Continuing Plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to approve Dr. Santibanez's continuing education plan submitted in compliance with his Board Order and directed staff to remind him that he still needs to meet the number of CE hours required. Motion passed unanimously.

8. 20-105: In Re: Gary Pollock, 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 Ms. Creager and seconded by Ms. Soloman to approve Dr. Pollock's continuing education plan in compliance with his Board Order. Motion passed unanimously.

9. 20-03: In Re: Monika Knoblich, DVM. Board may review, discuss, and take action on partial completion of required Continuing Education (CE) related to Board order and may review, discuss, and take action on a revised CE plan submitted.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to give Dr. Knoblich a 30-day extension to comply with her Board Order. Dr. Knoblich will have 10-days to submit a new plan on how she will complete the required continuing education in communication, authorizing Executive Director, Ms. Whitmore, to approve the plan. If Dr. Knoblich does not comply, the Board will open a complaint for non-compliance of her Board Order. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on report of dismissed Virginia Veterinary Medical Board case for licensee Melissa Mazur, DVM.

No action taken.

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

a. R3661: Wickenburg Veterinary Clinic. New Owner. John Oplinger, DVM

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to open an investigation with respect to Dr. Oplinger's repeated non-compliant premises; notify the premises owner of the open investigation; and notify DEA of the non-compliant issues with controlled substance drug logs. The Board directed staff to agendaize this matter for the June Board meeting. Motion passed unanimously.

3. Board may review, discuss and take action on Change of Name and Change of Scope Requests:

a. R3507: Palo Verde Pet Clinic. Change of scope, addition of housing & radiology. D. Kirk Prince, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the Change of Scope request for Palo Verde Pet Clinic. Motion passed unanimously.

b. R3506: Foothills Animal Hospital. Name change to Foothills Animal Hospital Emergency & Specialty Center. Change of scope, addition of 24-hour emergency services and surgery. D. Kirk Prince, DVM.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the name change to Foothills Animal Hospital Emergency & Specialty Center. Motion passed unanimously.

4. Board may review, discuss, and take action on requests for approval of Continuing Education credit for license/certificate renewal:

a. California Veterinary Medical Association – 2021 Pacific Veterinary Conference.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the California Veterinary Medical Association – 2021 Pacific Veterinary Conference continuing education courses conducted on June 27, 2021 (track A and B) and deny the continuing education courses conducted on June 26, 2021 due to not meeting the statutory requirements outlined in A.A.C. R3-11-402 (B). Motion passed 6 ayes, 1 nay (Dr. Jaynes).

b. 1st Pet Veterinary Centers – “Antibiotics in the Age of Resistance” – July 2021

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to approve 1st Pet Veterinary Centers – “Antibiotics in the Age of Resistance” – July 2021. Motion passed unanimously.

5. 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. Ariana McGinty

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to approve Ms. McGinty’s Certified Veterinary Technician application. Motion passed unanimously.

6. Board may review, discuss, and take action on American Association of Veterinary State Boards (AAVSB) Call for Nominations for AAVSB Leadership positions.

No action taken.

7. Board may review, discuss, and take action on ICVA Species Specific Examination availability.

No action taken.

8. 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.

The Board participated via Google Meets in the presentation put on by the AAVSB regarding RACEtrack, a continuing education program.

9. 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, a motion was made by Ms. Creager and seconded by Ms. Soloman to adopt the protocols for conducting Call to the Public agenda item as drafted. Motion passed unanimously.

10. Board may review, discuss, and take action regarding results of American Association of Veterinary State Boards’ “Board Basics and Beyond” training.

Ms. Soloman addressed the Board regarding her attendance at the AAVB’s “Board Basics and Beyond” training.

11. Board may review, discuss, and take action on denial of veterinary technician certification for failure to pass the State Certified Veterinary Technician exam.

a. Natalie Ortega

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to deny certification for the applicants that failed the State Certified Veterinary Technician exam and authorize Ms. Whitmore to represent the Board if a settlement conference is requested with her authority limited to denial of certification. Motion passed unanimously.

12. Board may review, discuss, and take action regarding compliance with Continuing Education waiver granted to Melanie Rettler, DVM and possible challenges impacting ability to comply.

After discussion and consideration, the Board directed staff to conduct an inspection of Dr. Rettler's premises.

13. Board may review, discuss, and take action regarding A.R.S. §36-2525 related to the availability of electronic prescribing for veterinarians.

No action taken.

14. Board may review, discuss, and take action on return to pre-COVID process for Board approval of premises licenses.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to return to pre-COVID procedures for Board approval of premises licenses as well still allowing Ms. Whitmore the authority to make related decisions as needed. Motion passed unanimously.

15. Executive Director Report

a. Investigative Committee openings

Ms. Whitmore advised the Board of vacancies on the Investigative Committee.

b. Investigative caseload; A.R.S. §32-2235(B) Investigative Division Report to Board

Ms. Whitmore advised the Board of the agencies complaint caseload and remedies to expedite cases that meet requirements related to ARS § 32-2235 (B).

c. July 2021 Board meeting logistics

Ms. Whitmore verified that there would be a quorum to hold the July 2021 Board meeting in person.

VI. REVIEW AND APPROVAL OF MINUTES

1. April 21, 2021 Regular Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the April 21, 2021 Regular Session minutes. Motion passed 6 ayes, 1 abstention (Dr. Wright).

VII. SUMMARY OF CURRENT EVENTS

No current events.

VIII. CALL TO THE PUBLIC

Mr. Johnny Johnson addressed the Board.

IX. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, June 16, 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.

X. ADJOURNMENT

Meeting adjourned at 2:35pm.

Respectfully submitted,



Victoria Whitmore, Executive Director