



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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VETBOARD.AZ.GOV

MINUTES
May 20, 2020
TELECONFERENCE BOARD MEETING
8:30 a.m.
Live Stream/Phone-In

Members Present Telephonically/Electronically: Mr. Jim Loughead, Ms. Jessica Creager, Dr. Darren Wright, Ms. Jane Soloman, Ms. Nikki Frost, CVT, Dr. J. Greg Byrne and Dr. Robyn Jaynes.

Members Absent: Dr. Sarah Heinrich.

Staff and Legal Counsel Present Telephonically/Electronically: Ms. Victoria Whitmore, Executive Director; Mrs. Mary Williams, AAG (Assistant Attorney General); and Ms. Tracy Riendeau, CVT, Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Dr. Wright at 8:30 a.m.

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

1. 20-63, In Re: Phalen Smith, DVM

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to dismiss this issue with no violation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, nay; Dr. Jaynes, nay; Ms. Soloman, nay; and Dr. Wright, nay.

Motion failed 3 ayes, 4 nays.

After further discussion and consideration, a second motion was made by Dr. Jaynes and seconded by Dr. Wright to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring oversight of the controlled substance policies and procedures in place at the premises as responsible veterinarian and DEA registrant. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

2. 20-43, In Re: Michelle McDonough, CVT

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Creager to dismiss this issue with no violation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, nay; and Dr. Wright, aye. Motion passed 6 ayes, 1 nay.

3. 20-80, In Re: Stephanie Olson, DVM

Dr. Wright was recused. Dr. Olson's staff member was on the call to monitor. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to **dismiss this issue with no violation**. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, recused. Motion passed 6 ayes, 1 recusal.

4. 20-81, In Re: Roger Litchfield, DVM

Dr. Litchfield was on the call to monitor. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to schedule this matter for an Informal Interview. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-14, In Re: Virginia Kern, DVM

Court Reporter, Ms. Champion was on the call. Dr. Kern was on the call with attorney, David Stoll, and made statements and answered questions. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to offer Dr. Kern a **modified Consent Agreement**. If not signed in five (5) days, the matter will go to a Formal hearing for possible suspension or revocation of licensure.

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

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 20-15: In Re: Paul Barrett, 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. Jaynes and seconded by Ms. Creager to **approve** Dr. Barrett's continuing education plan submitted in compliance with his Consent Agreement. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

2. 20-29: In Re: Manuel Cruz Castanedo, DVM. Board may review, discuss, and take action on Practice Monitor's audit report and plan for Camelback Animal Clinic (#R2019).

Practice monitor Dr. Rawls was on the call and made statements and answered questions. No action taken.

3. 18-17: In Re: Ivan Weinstein, DVM. Board may review, discuss, and take action regarding compliance with Board Order and may open an investigative case for non-compliance.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to open an investigation regarding Dr. Weinstein's non-compliance of his Board Order with respect to continuing education and civil penalty. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

4. 20-19: In Re: Jerry Oler, 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. Jaynes and seconded by Ms. Creager to **approve** Dr. Oler's continuing education plan submitted in compliance with his Consent Agreement. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

5. 19-83: In Re: Gurjit Sandhu, DVM. Board may review, discuss, and take action regarding revised Continuing Education plan in compliance with Board Order.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to grant Dr. Sandhu an extension to submit his continuing education plan in compliance with his Board Order until June 12, 2020. If a continuing education plan is not submitted by that date, the Board will open an investigative case for non-compliance. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

6. 20-13: In Re: Gurjit Sandhu, DVM. Board may review, discuss, and take action regarding revised Continuing Education plan in compliance with Board Order.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to grant Dr. Sandhu an extension to submit his continuing education plan in compliance with his Board Order until June 12, 2020. If a continuing education plan is not submitted by that date, the Board will open an investigative case for non-compliance. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on veterinary license application from Aimee Wong and may approve license pending receipt of proof of graduation.

Dr. Wong was on the call; made statements and answered questions. After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to **approve** Dr. Wong's veterinary license application pending receipt of proof of graduation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

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

a. Courtney Blackmon

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to **approve** Dr. Blackmon's veterinary license application. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

b. Jennifer DePew

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to **approve** Dr. DePew's veterinary license application. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

c. Amber Lee

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to approve Dr. Lee's veterinary license application. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

3. Board may review, discuss, and take action on information received pertaining to possible unlicensed practitioners:

a. Gary Bennett

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to open an investigation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

b. "Allen" – First Impression Frenchies

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to open an investigation and forward the information to the Pharmacy Board. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

c. Tush2Toes

No action.

d. Morgan Pearce

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Solomon to open an investigation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

e. Chelsea Pearce

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Solomon to open an investigation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

f. Aria Wolf

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Solomon to open an investigation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

g. Danielle Diaz

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to open an investigation. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

h. Wes Campbell

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Solomon to open an investigation regarding Mr. Campbell's supervising veterinarian, Darrel

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

4. Board may review, discuss, and take action on Executive Order 2020-36, "Stay Healthy, Return Smarter, Return Stronger" and may discuss the status of Executive Order 2020-19: "Telemedicine for Pets and Animals."

No action taken. Ms. Whitmore is following up with the Governor's Office for clarification on some items in Executive Order 2020-19.

5. Board may review, discuss, and take action on resuming Investigative Committee meetings and in-person Board meetings to include the review of investigative cases.

No action taken. Meetings will resume with appropriate precautions.

6. Board may review, discuss, and take action on resuming on-site premises inspections.

No action taken. On-site premises inspections will begin as appropriate in early June.

7. Board may review, discuss, and take action on continuing education requirements for licensees and certificate holders for the period ending December 31, 2020.

The Board discussed that the administrative rules provide that all continuing education can be obtained online including the required opioid courses if it is interactive and is within a category that is Board-approved per the administrative rules.

8. 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 Ms. Creager to revise the Board Compensation policy to include payment for time attending telephonic Board meetings if such meetings are over 1 hour. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

9. Board may review, discuss, and take action on denial of veterinary technician certification for failure to pass the State exam and/or the Veterinary Technician National Exam.

a. Alyss Rembosky

b. Kara Clayfield

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to deny veterinary technician certification to the above applicants that failed the State and/or the VTNE and appoint Ms. Whitmore to represent the Board if a settlement conference is requested with her authority limited to denial of certification. Roll call: Ms. Frost, aye; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed unanimously.

VI. REVIEW AND APPROVAL OF MINUTES

a. April 15, 2020 Regular Session

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the April 15, 2020 regular session minutes. Roll call: Ms. Frost, abstained; Dr. Byrne, aye; Ms. Creager, aye; Mr. Loughead, aye; Dr. Jaynes, aye; Ms. Soloman, aye; and Dr. Wright, aye. Motion passed 6 ayes, 1 abstention.

VII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held via teleconference and/or internet conference on **Wednesday, June 17, 2020**, beginning at **8:30 a.m.** Information on how the public may participate will be noted on the meeting notice and agenda.

VIII. ADJOURNMENT

Meeting was adjourned at 11:53 a.m.

Respectfully submitted,



Victoria Whitmore, Executive Director