

DOUGLAS A. DUCEY
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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MINUTES

June 17, 2020

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

1740 W. Adams Street, Board Room A

Phoenix, Arizona 85007

Members Present: Mr. Jim Loughead, Ms. Jessica Creager, Dr. Darren Wright, Ms. Jane Soloman (telephonic), Ms. Nikki Frost (left at 1:20pm), CVT, Dr. Sarah Heinrich and Dr. Robyn Jaynes.

Members Absent: Dr. J. Greg Byrne.

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. 20-110, In Re: Ivan Weinstein, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to offer Dr. Weinstein a Consent Agreement finding Dr. Weinstein in violation of ARS § 32-2232 (18) for non-compliance of Board Order 18-17. The **Consent Agreement** would place Dr. Weinstein's license on Probation for an additional 60 days from the effective date of the Consent Agreement to pay a civil penalty of \$2500.00. If Dr. Weinstein does not sign the Consent Agreement in 14 days, the matter will be scheduled to an Informal Interview. Roll call: Dr. Heinrich, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Jaynes, aye. Motion passed 6 ayes, 1 absent (Ms. Frost).

2. 20-107, In Re: Erin Hisrich, DVM

Attorney, Flynn Carey, was present, answered questions, and made statements on behalf of Dr. Hisrich.

- At 2:59 p.m., a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session to discuss Dr. Hisrich's personal medical information.
- At 3:04 p.m., the Board entered back into open session.

After discussion and consideration, based on the information provided, the Board elected to **table** the matter and have Mr. Flynn update the Board with respect to Dr. Hisrich's status with

supporting documents one week prior to the July 15, 2020 Board meeting. At this point, the Board would expect to see Dr. Hisrich appear before the Board at the August Board meeting.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 20-44, In Re: William Linney, DVM

Dr. Linney was present with attorney David Stoll, made statements and answered questions. Ms. Megan Benzik was present telephonically, and made statements and answered questions. After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Dr. Jaynes to **dismiss this issue** with no violation.

2. 20-53, In Re: Sarah Anderson-Kain, DVM

Dr. Anderson-Kain was present telephonically, made statements and answered questions. Ms. Jennifer Zurcher was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Heinrich to find Dr. Anderson-Kain in violation of:

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** for failure to provide courteous verbal and written interchange and considerate treatment by disregarding the pet owners request to not give the cat Cerenia on November 18, 2019 and not providing the pet owner a complete copy of the cat's medical record;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L)(4)** for failure to document in the animal's medical record the results of an exam, including the general condition;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L)(5)** failure to document in the animal's medical record the animal's tentative or definitive diagnosis;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (M)(1)** for failure to permanently label the name of the animal owner on the radiograph;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (M)(2)** for failure to permanently label the name of the animal on the radiograph;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (M)(3)** for failure to permanently label the date the radiograph was taken; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (M)(4)** for failure to permanently label the veterinarian or veterinary medical premises.

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

3. 20-45, In Re: Monika Knoblich, DVM

Dr. Knoblich was present with attorney David Stoll, made statements and answered questions. Ms. Shalmarie Tulk was present, made statements and answered questions.

- At 1:52pm, after discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to go into executive session for legal advice. Motion passed 6 ayes, 1 absent (Ms. Frost).
- At 1:56pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to find Dr. Knoblich in violation of **A.R.S. § 32-2232 (22)** Medical incompetence in the practice of veterinary medicine for using the antibiotic, gentamicin, as an abdominal flush as well as the calculation of the dose of gentamicin. Roll call: Dr. Heinrich, aye; Ms. Creager, aye;

Dr. Wright, aye; Mr. Loughead, nay; Ms. Soloman, aye; and Dr. Jaynes, aye. Motion passed 5 ayes, 1 nay, and 1 absent (Ms. Frost).

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

- **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (8)** for failure to provide a copy of the dog's medical record to the pet owner;
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (2)** for failure to weigh the puppy on August 5, 2019 and document it in the medical record; and
- **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L) (4)** for failure to perform an exam on the puppy on August 5, 2019 and document it in the medical record.

Roll call: Dr. Heinrich, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Jaynes, aye. Motion 6 ayes, 1 absent (Ms. Frost).

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

Dr. Litchfield was present, made statements, and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to find Dr. Litchfield in violation of:

- **A.R.S. § 32-2232 (18)** as it relates to **A.A.C. R3-11-502 (J)(2)** expired controlled substances on the premises – buprenorphine 60mLs and phenobarbital 97.2mg;
- **A.R.S. § 32-2232 (18)** as it relates to **A.A.C. R3-11-502 (K) (2)** controlled substance inventory log does not contain all required information; and
- **A.R.S. § 32-2232 (18)** as it relates to **A.A.C. R3-11-502 (K) (3)** controlled substance dispensing log does not contain all required information.

Roll call: Dr. Heinrich, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; Ms. Soloman, aye; and Dr. Jaynes, aye. Motion 6 ayes, 1 absent (Ms. Frost).

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 19-71: In Re: Celeste Roy, DVM. Board may review, discuss, and take action to review recent evaluation results and may take action regarding proposed changes to Consent Agreement previously offered.

Dr. Roy was present with attorney Larry Cohen, made statements and answered questions.

- At 8:47am, after discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice.
- At 9:30am, the Board went into executive session with Dr. Roy and Mr. Cohen to discuss Dr. Roy's personal medical information.
- At 9:52am, the Board went back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Heinrich to table this matter to review newly received information. Roll call: Dr. Heinrich, aye; Ms. Frost, nay; Ms. Creager, nay; Dr. Wright, aye; Mr. Loughead, nay; Ms. Soloman, aye; and Dr. Jaynes, nay. **Motion failed 4 nays, 3 ayes.**

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Heinrich to **approve** Dr. Roy's **Consent Agreement** with amendments. Roll call: Dr. Heinrich,

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

2. 20-15: In Re: Paul Barrett, 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. Heinrich and seconded by Ms. Soloman to **approve** Dr. Barrett's completed continuing education as required by his Consent Agreement and return his license to **Active** status. Motion passed 6 ayes, 1 absent (Ms. Frost).

3. 19-83: In Re: Gurjit Sandhu, DVM. Board may review, discuss, and take action regarding Continuing Education plan in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Dr. Jaynes to **approve** Dr. Sandhu's continuing education plan in compliance with his Board Order. Motion passed 6 ayes, 1 absent (Ms. Frost).

4. 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 Dr. Heinrich and seconded by Dr. Jaynes to **approve** Dr. Sandhu's continuing education plan in compliance with his Board Order. Motion passed 6 ayes, 1 absent (Ms. Frost).

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on utilization of non-veterinarian staff to conduct animal exams and administer medications and treatments based on no exam or the exam by that individual, including a discussion of letter from representative of Banfield hospitals.

Matter tabled to a future Board meeting.

2. Board may review, discuss, and take action on American Association of Veterinary State Boards' 2020 Proposed Bylaws Amendments.

No action taken.

3. Board may review, discuss, and take action on request for continuing education approval for the San Diego County Veterinary Medical Association Fall 2020 Conference.

After discussion and consideration, a motion was made by Dr. Heinrich and seconded by Ms. Creager to **approve** the continuing education request for the San Diego County Veterinary Medical Association Fall 2020 Conference. Motion passed 6 ayes, 1 absent (Ms. Frost).

4. Board may hold elections for Chair and Vice Chair for Fiscal Year 2021.

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to nominate **Mr. Loughead** for Chair for Fiscal Year 2021. Motion passed 6 ayes, 1 absent (Ms. Frost).

After further discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to nominate **Dr. Wright** for Vice Chair for Fiscal Year 2021. Motion passed 6 ayes, 1 absent (Ms. Frost).

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

a. Dawn Burton

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to open an investigation regarding Ms. Burton's conduct. Motion passed 6 ayes, 1 absent (Ms. Frost).

b. Tony Rivera

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to open an investigation regarding Mr. Rivera's conduct. Motion passed 6 ayes, 1 absent (Ms. Frost).

c. April A. Vernon

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to open an investigation regarding Ms. Vernon and Dr. Carner. Motion passed 6 ayes, 1 absent (Ms. Frost).

6. Board may review, discuss, and take action on Case C-20-02, In re: Danielle Diaz.

Ms. Diaz was present, made statements and answered questions. After discussion and consideration a motion was made by Dr. Wright and seconded by Ms. Soloman to **close** this matter. Motion passed unanimously.

7. Board may review, discuss, and take action on Case C-20-10, In re: Aria Wolf.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to issue Ms. Wolf a **Cease and Desist**, refer this matter the **County Attorney's Office** and the **Attorney General's Office**. Motion passed 6 ayes, 1 absent (Ms. Frost).

8. Board may review, discuss, and take action on premises license application for Mobile Animal CT, Jonnie Quantz, DVM.

Dr. Quantz was present telephonically, made statements and answered questions.

- At 11:01am, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice.
- At 11:11am, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to **approve** the premises license application for Mobile Animal CT as it meets the requirements of A.R.S. §32-2272. Roll call: Dr. Heinrich, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughhead, aye; Ms. Soloman, aye; and Dr. Jaynes, aye. Motion passed unanimously.

9. Board may review, discuss, and take action on outcome of proposed legislation:

- a. HB2772: veterinarian licensure: shelter-owned animals**
- b. HB2690: state agencies; veteran status; inquiry**
- c. HB2740: barbering, cosmetology, massage therapy; consolidation**
- d. HB2181: animal crematories; licensure; funeral board**
- e. SB1274: professional regulatory boards; composition**
- f. SB1211: administrative rules; expiration; legislative extension**

Ms. Whitmore updated the Board on SB1274 and relayed that the bill was signed by the Governor; the other bills noted did not complete the process.

10. Board may review, discuss, and take action on FY21 Interagency Services Agreement with the Office of the Arizona Attorney General.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **approve** the FY21 Interagency Services Agreement with the Office of the Arizona Attorney General. Motion approved 6 ayes, 1 absent (Ms. Frost)

11. Board may review, discuss, and take action on identifying articles within Title 3, Chapter 11 of the Arizona Administrative Code to include in the request to the Governor for an exception from Executive Order 2020-02 related to rulemaking.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to submit a list of articles within Title 3, Chapter 11 of the Arizona Administrative Code that require updated or revisions in the request to the Governor for an exception from Executive Order 2020-02 related to rulemaking. Motion passed 6 ayes, 1 absent (Ms. Frost).

12. Board may review, discuss, and take action on vacancy on Investigative Committee for a public member.

Ms. Whitmore updated the Board regarding the vacancy of the PM Investigative Committee for a public member.

13. 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. Haas, Karly
- b. Sadler, Maiya
- c. Santillan, Guadalupe
- d. Vanegas, Jessica

After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Heinrich to **deny** certification for the above applicants who did not pass the State exam and/or the National Veterinary Technician Exam and to authorize Ms. Whitmore to represent the Board if a settlement conference is requested, limiting her authority to denial. Motion passed 6 ayes, 1 absent (Ms. Frost).

14. Board may review, discuss, and take action on American Veterinary Medical Association's request for public comment on a proposal to require accredited veterinary medical schools to include dentistry training as part of their curriculum.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to **support** the proposal to require accredited veterinary medical schools to include dentistry training as part of their curriculum. Motion passed 6 ayes, 1 absent (Ms. Frost).

VI. REVIEW AND APPROVAL OF MINUTES

1. May 20, 2020 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the May 20, 2020 regular session minutes. Motion passed 5 ayes, 1 absent (Ms. Frost) and 1 abstention (Dr. Heinrich).

2. February 19, 2020 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the February 19, 2020 executive session minutes. Motion passed 6 ayes, 1 absent (Ms. Frost).

3. March 18, 2020 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the March 18, 2020 executive session minutes. Motion passed 5 ayes, 1 absent (Ms. Frost), and 1 abstention (Dr. Jaynes).

4. April 15, 2020 Executive Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the April 15, 2020 executive session minutes. Motion passed 6 ayes, 1 absent (Ms. Frost).

VII. CALL TO THE PUBLIC

No public present.

VIII. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held via teleconference and/or internet conference on **Wednesday, July 15, 2020**, beginning at **8:30 a.m.** Information on how the public may participate will be noted on the meeting notice and agenda.

IX. ADJOURNMENT

Meeting was adjourned at 4:03 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director