



ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS ST., STE. 4600 - PHOENIX, ARIZONA 85007

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VETBOARD.AZ.GOV

MINUTES

August 17, 2022

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

1740 W. Adams Street, Board Room B

Phoenix, Arizona 85007

Members Present: Ms. Jessica Creager, Ms. Jane Soloman, Mr. Jim Loughhead, 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: Dr. Jaynes at 8:34 a.m.

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

1. 22-87, In Re: Elisabeth Dutton, DVM

Dr. Dutton was present with attorney W. Reed Campbell, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Frost to accept the Investigative Committee's recommendation an offer Dr. Dutton a Consent Agreement, adopting the Investigative Committee's Findings of Fact and Conclusions of Law. Roll call: Dr. Thompson, nay; Ms. Soloman, nay; Mr. Loughhead, nay; Ms. Creager, nay; Dr. Nausley, nay; Dr. Byrne, nay, and Ms. Frost, nay. **Motion failed unanimously.**

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to dismiss this issue with no violation and issue a **Letter of Concern** with respect to ensuring pet owners are aware of costs prior to veterinary services. **Motion passed unanimously.**

2. 22-88, In Re: Jody Moffett, DVM

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

22-89, In Re: Sandra Snyder, DVM

Attorney W. Reed Campbell was present to monitor. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughhead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

3. 22-90, In Re: Kimberly Shaird, DVM

Attorney W. Reed Campbell was present to monitor. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Mr. Loughhead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

4. 22-91, In Re: Melvin Paquin, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to accept the Investigative Committee's recommendation and issue a **Letter of Concern** with respect to ensuring staff is communicating pet owners' wishes to the veterinarian. Motion passed unanimously.

5. 22-92, In Re: Randy Aronson, VMD

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.

6. 22-96, In Re: Kelly Harrigan, VMD

Attorney W. Reed Campbell was present to monitor. Ms. Daisy Ortega 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.

After further discussion and consideration, a motion was made by Mr. Loughhead and seconded by Ms. Soloman to open an investigation regarding the responsible veterinarian for the premises, David Julien, DVM, regarding staff training on how to collect samples for parvo testing. Motion passed 7 ayes, 1 nay (Ms. Frost).

7. 22-98, In Re: Jessica Sullivan, DVM

Attorney W. Reed Campbell was present to monitor. Ms. Jennifer Reilly was present and made statements. After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Ms. Soloman to schedule this matter for an **Informal Interview**. Motion passed unanimously.

8. 22-99, In Re: Lisa Felche, DVM

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

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 22-76, In Re: Jeremy Shapero, DVM

Ms. Soloman was recused. Dr. Shapero was present telephonically, made statements and answered questions. Attorney W. Reed Campbell was present. Ms. Kristen Brown was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to find Dr. Shapero in violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501 (1)** failure to provide professionally acceptable procedures by not fully educating the pet owner on the dog's multiple conditions, what surgical techniques were going to entail and their prognosis. Roll call: Ms. Soloman, recused; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. **Motion passed 7 ayes, 1 recusal.**

2. 22-84 In Re: Katherine Peachey, DVM

Dr. Peachey was present with attorney W. Reed Campbell, made statements and answered questions. Mr. Joe Summa was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Thomson and seconded by Ms. Soloman to dismiss this issue with no violation and issue a **Letter of Concern** with respect to administering an NSAID as opposed to an opioid in a patient that may not be stable. **Motion passed 6 ayes, 2 nays (Dr. Jaynes and Dr. Nausley).**

3. 22-85, In Re: Jennifer Mayo, DVM

Dr. Mayo was present with attorney W. Reed Campbell, made statements and answered questions. Mr. Joe Summa was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Thomson and seconded by Ms. Soloman to dismiss this issue with no violation and issue a **Letter of Concern** with respect to keeping current on tooth extraction techniques. **Motion passed 5 ayes, 3 nays (Dr. Jaynes, Dr. Byrne and Dr. Nausley).**

4. 22-112, In Re: Barbara Batke, DVM

Ms. Frost was recused. Ms. Angela Rathmann was present telephonically, made statements and answered questions. Dr. Batke was present to monitor. After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Thompson to **dismiss** this issue with no violation. **Motion passed 7 ayes, 1 recusal.**

5. 22-61: In Re: Matthew Reed, DVM – Continuance of Informal Interview of July 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. Thompson and seconded by Ms. Soloman to adopt the Findings of Fact as drafted. Roll call: Ms. Soloman, aye; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, 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 adopt the Conclusions of Law as amended. Roll call: Ms. Soloman, aye; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Thompson and seconded by Ms. Soloman to issue Dr. Reed an Order that include 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** in anesthesia; and
- **Three (3) hours** in brachycephalic disease syndrome.

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

6. 22-71: In Re: Dennis White, DVM – Continuance of Informal Interview of July 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. Nausley and seconded by Ms. Soloman to adopt the Findings of Fact and Conclusions of Law as drafted. Roll call: Ms. Soloman, aye; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, 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. Nausley and seconded by Ms. Soloman to issue Dr. White an Order that includes a period of **Probation of 1-year** to obtain additional **six (6) hours of continuing education** in addition to the statutory requirements to maintain licensure. Those six (6) hours shall include **examination and diagnostics**. The Order shall also include a **civil penalty of \$250** to be paid on or before the end of the Probationary period. Roll call: Ms. Soloman, aye; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 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 before the Board in compliance with his Consent Agreement.

2. 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 before the Board in compliance with her Board Order.

3. Combined cases 21-96 and 22-94: In Re: Melanie Rettler, DVM. Board may review, discuss, and take action on Motion for Rehearing or Review submitted

Dr. Rettler appeared telephonically and made statements. Ms. Sunita Krishna was preset and provided procedural advice to the Board. Mr. Marc Harris was present representing the State and made statements.

After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Byrne to **deny** Dr. Rettler's request on her Motion for Rehearing or Review. Roll call: Ms. Soloman, aye; Dr. Thompson, aye; Mr. Loughhead, aye; Dr. Jaynes, aye; Ms. Creager, aye; Dr. Nausley, aye; Dr. Byrne, aye; and Ms. Frost, aye. Motion passed unanimously.

4. 22-55: In Re: Karla Lombana, 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. Nausley and seconded by Mr. Loughhead to approve Dr. Lombana's continuing education plan submitted in compliance with her Board Order. Motion passed unanimously.

5. 21-123: In Re: Edwin Kiesel, DVM. Board may review, discuss, and take action on quarterly practice monitor report submitted in compliance with Consent Agreement.

- At 10:17am, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to go into executive session for legal advice. Motion passed unanimously.
- At 10:19am, the Board entered back into open session.

After discussion and consideration, the Board directed staff to have Dr. Kiesel's practice monitor shift her focus from medical record keeping to evaluating Dr. Kiesel's medical care, including surgeries, extensive exams and treatment.

6. 21-84: In Re: Lorna Lanman, 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 Mr. Loughhead and seconded by Ms. Soloman to **deny** Dr. Lanman's continuing education plan submitted in compliance with her Consent Agreement. Motion passed unanimously.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on request for Continuing Education approval for San Diego County Veterinary Medical Association September 2022 Fall Veterinary Conference (RVT track).

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughhead to **approve six (6) hours of continuing education for the RVT track** being offered at the San Diego County Veterinary Medical Association September 2022 Fall Veterinary Conference. Motion passed unanimously.

2. Board may review, discuss, and take action on possible unlicensed practitioner, Terry White at Stoneridge Reproduction.

After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Thompson to **open an investigation regarding possible unlicensed practitioner Terry White at Stoneridge Reproduction**. Motion passed unanimously.

3. Board may review, discuss, and take action on case C-22-12 Julius Ceasar Sanchez/The Pitbull Store, update on case and possibly open case on new owners Tel Barnhardt and Amy Woodwiss.

After discussion and consideration, a motion was made by Mr. Loughhead and seconded by Ms. Soloman to close case C-22-12, In Re: Julius Ceasar Sanchez/The Pitbull Store. Motion passed unanimously.

After further discussion and consideration, a motion was made by Mr. Loughhead and seconded by Ms. Soloman to open an investigation regarding Mr. Barnhardt and Ms. Woodwiss, The Pitbull Store. Motion passed unanimously.

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. Krista Dupree

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to **pend** the matter for a future Board meeting to request Ms. Dupree to provide further information and clarify her comparison courses. Motion passed unanimously.

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

a. Tiffany Johnson

After discussion and consideration, a motion was made by Dr. Byrne and seconded by Mr. Loughhead to **approve** applicant Johnson's veterinary license application. Motion passed unanimously.

6. Board may review, discuss, and take action on case C-23-01, In Re: Cori Williams/Unlicensed practitioner.

After further discussion and consideration, a motion was made by Mr. Loughhead and seconded by Dr. Nausley to **close** the matter. Motion passed unanimously.

7. Board may review, discuss, and take action on premises license application and required inspection for Wickenburg Veterinary Clinic – Responsible Veterinarian: Robert Thrift, DVM.

After discussion and consideration, Board directed staff to:

- a. Invite Dr. Thrift to appear before the Board;
- b. Follow up with associate veterinarian with allegations;
- c. Follow up with corporate office; and
- d. Possibly re-inspect premises.

8. Board may review, discuss, and take action on proposed 2023 Board meeting dates.

Ms. Whitmore updated the Board on the 2023 proposed Board meeting dates. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Thompson to **approve** the 2023 proposed Board meeting dates. Motion passed unanimously.

9. Board may review, discuss, and take action on chaptered bills from legislative session.

- a. HB2626: Animal handling; microchip scan
- b. HB2587: Public records; point of contact
- c. SB1637: Health professionals; business entities; interference
- d. HB2612: Occupational regulation

Ms. Whitmore updated the Board on the above chaptered bills from legislative session. No action was taken.

10. Board may review, discuss, and take action on proposed FY24 budget request and strategic plan.

No action taken. The Board will revisit the matter at a future Board meeting.

11. Executive Director Report

a. FY22 Financial/Budget update

Ms. Whitmore updated the Board on the FY22 Financial/Budget.

VI. REVIEW AND APPROVAL OF MINUTES

1. June 15, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Thompson to **approve** the June 15, 2022 regular session minutes. Motion passed 6 ayes, 2 abstentions (Dr. Byrne and Mr. Loughead).

2. June 15, 2022 Executive Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Thompson to **approve** the June 15, 2022 executive session minutes. Motion passed 5 ayes, 3 abstentions (Dr. Byrne, Ms. Frost, and Mr. Loughead).

3. July 20, 2022 Regular Session

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to **approve** the July 20, 2022 regular session minutes. Motion passed 6 ayes, 2 abstentions (Dr. Byrne and Dr. Jaynes).

4. July 20, 2022 Executive Session #1

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to **approve** the July 20, 2022 executive session minutes. Motion passed 6 ayes, 2 abstentions (Dr. Byrne and Dr. Jaynes).

5. July 20, 2022 Executive Session #2

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to **approve** the July 20, 2022 executive session minutes. Motion passed 6 ayes, 2 abstentions (Dr. Byrne and Ms. Frost).

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3952: Cedar Ridge Veterinary. New Premises. Milton DeSpain, DVM
2. R3954: Dr. Kelly's Surgical Unit – Peoria. New Premises. Kelly Patriquin, DVM
3. R3955: Banfield Pet Hospital #1041. New Responsible Veterinarian. Amanda Clanin, DVM
4. R3956: Banfield Pet Hospital #1040. New Responsible Veterinarian. Amanda Clanin, DVM
5. R3957: Spirit Mountain Animal Hospital. New Owner and Responsible Veterinarian. Nilin Gupta, DVM
6. R3958: Urgent Vet, LLC. New Premises. Mark Carter, DVM
7. R3959: Brown Road Animal Clinic. New Responsible Veterinarian. Jade Lanier, DVM
8. R3961: BluePearl Phoenix. New Responsible Veterinarian. Jared Brethouwer, DVM
9. R3962: McDowell Mountain Animal Hospital. New Responsible Veterinarian. Judith Kashman, DVM
10. R3963: Midwestern University Mobile Clinic. New Responsible Veterinarian. Carla Gartrell, DVM
11. R3964: Midwestern University Large Animal Clinic. New Responsible Veterinarian. Carla Gartrell, DVM
12. R3965: Animal Health Institute. New Responsible Veterinarian. Carla Gartrell, DVM
13. R3966: Cat Hospital of Tucson. New Owner and Responsible Veterinarian. Julie Johnston, DVM
14. R3967: Duval Animal Hospital. New Owner. Tim Oberby, DVM

15. R3934: Assistance Animals Consulting. New Premises. Rhesa Houston, DVM
A (1), (2), (3), (4), (6), (7), (8), (9), (10), (11), (12) and (14) removed from Consent Agenda.
Approval of Premises Inspections granted.

B. Approval of Premises Name Changes - Responsible Veterinarian

1. R3733: Gilbert Queen Creek Emergency Veterinarian and Pet Urgent Care. Add 24-hour services. Erin Greenwood, DVM
2. R3662: Sonora Equine Veterinary Services. Add controlled substances. Cristian Amavisca, DVM.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to **approve** the Consent Agenda as amended. Motion passed unanimously.

Items Removed From Consent Agenda:

A (1), (2), (3), (4), (6), (7), (8), (9), (10), (11), (12) and (14).

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

VIII. SUMMARY OF CURRENT EVENTS

No current events.

IX. CALL TO THE PUBLIC

No member of the public addressed the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, September 28, 2022**, beginning at 8:30 a.m. at 1740 W. Adams Street, Board Room "C," Phoenix, Arizona, 85007. One or more Board members may appear telephonically.

XI. ADJOURNMENT

Meeting adjourned at 3:00pm.

Respectfully submitted,



Victoria Whitmore, Executive Director