



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

September 15, 2021

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, Ms. Jane Soloman, Ms. Nikki Frost, CVT (telephonic), Dr. Robyn Jaynes, and Dr. Darren Wright (arrived at 8:52am).

Members Absent: Dr. Greg Byrne and 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: Ms. Whitmore at 8:40 a.m.

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

1. 21-97, In Re: Ryan Svoboda, 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.

2. 21-98, In Re: Dino Herrera-Garagoza, 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.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to open an investigation with respect the responsible veterinarian, **Jared Brethouwer, DVM**, for the premises for hospital policies and procedures. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and seconded by Mr. Loughead to open an investigation with respect to the treating veterinarian, Chris Simpson, DVM, for the dog. Roll call: Ms. Creager, nay; Dr. Jaynes, aye; Ms. Frost, nay; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed 4 ayes, 2 nays.

3. 21-99, In Re: Kim Knowles, DVM

Dr. Wright recused (arrived late). Dr. Knowles was present with attorney, David Stoll, and made statements. Dr. and Mrs. Gil and Chevi Holland were present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to schedule this matter to an **Informal Interview**. Motion passed 5 ayes, 1 recusal.

4. 21-100, In Re: Jessica Noll, DVM

Dr. Noll was present telephonically and made statements. 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.

5. 21-101, In Re: Danielle Landreth, DVM

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

6. 21-102, In Re: Melissa Johnson, DVM

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

7. 21-103, In Re: Gurjit Sandhu, DVM

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

8. 21-104, In Re: Hannah Blackman, 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 offer Dr. Blackman a **Consent Agreement** adopting the Investigative Committee's Findings of Fact as the Board's Findings of Fact and finding Dr. Blackman in violation of **A.R.S. § 32-2232 (22) medical incompetence** in the practice of veterinary medicine with respect to the improper placement of an esophageal tube in a cat. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Mr. Loughead to offer Dr. Blackman a Consent Agreement that includes a period of

Probation of 1 year to obtain three (3) hours of continuing education, in addition to the statutory requirements to maintain licensure, in esophageal tube placement. If the Consent Agreement is not signed within 30 days, the matter will be scheduled for an Informal Interview. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

9. 21-105, In Re: Wendy Patterson, DVM

Attorney David Stoll was present to monitor. 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.

10. 21-106, In Re: Rose Jensen, DVM

Dr. Jensen was present to monitor. 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. 21-107, In Re: Melissa Miller, DVM

Dr. Miller was present to monitor. 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.

12. 21-108, In Re: Dusti Prentice, DVM

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

13. 21-110, In Re: Kimberly Gryl, DVM

Attorney David Stoll was present to monitor. Ms. Susan Andrade was present telephonically and made statements. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** with respect to communication and documenting communications in the medical record. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Ms. Soloman, aye. Motion passed unanimously.

14. 21-125, In Re: MaryAnn Bolser, DVM

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

15. 22-04, In Re: Jeffrey Eubank, DVM

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

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 21-89: In Re: Kelsie Leavitt, DVM

Dr. Leavitt appeared with counsel, T. Scott King, made statements and answered questions. Ms. Courtney Worth was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes to find Dr. Leavitt in violation of the Veterinary Practice Act. **No second. Motion failed.**

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** for client communications. Roll call: Ms. Creager, aye; Dr. Jaynes, nay; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed 5 ayes, 1 nay.

2. 21-84: In Re: Lorna Lanman, DVM

Dr. Lanman appeared telephonically, made statements and answered questions. Her attorney, David Stoll, was present. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to adopt the Investigative Committee's proposed Findings of Fact and Conclusions of Law as the Board's Findings of Fact and Conclusions of Law, finding Dr. Lanman in violation of **A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501(1)** failure to use current professional and scientific knowledge with respect to not detecting IVDD as an option for the dog's symptoms. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, nay; and Ms. Soloman, aye. Motion passed 5 ayes, 1 nay.

3. 21-96: In Re: Melanie Rettler, DVM – Continuance of Informal Interview of August 18, 2021, 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. Jaynes and seconded by Dr. Wright to adopt the Findings of Fact and Conclusions of Law as drafted. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

- At 12:43pm, a motion was made by Ms. Soloman and seconded by Ms. Creager to go into executive session for legal advice. Motion passed unanimously.
- At 12:50pm, the Board entered back into open session.

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to issue Dr. Rettler an Order that includes a period of **Probation for 1 year** to obtain **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 the RACE-approved "Regulation of the Profession" course or an equivalent course; and
- **Three (3) hours** CE in veterinary ethics.

The Order shall also include a **civil penalty of \$1000**; \$300 for the unpaid premises license fee and \$700 for the penalty. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 19-71: In Re: Celeste Roy, DVM. Quarterly 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.

- At 9:56am, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice.

- At 10:11am, the entered back into open session.

No action taken.

2. 20-45: In Re: Monika Knoblich, DVM. Board may review, discuss, and take action on compliance with Board Order, including approval of a revised Continuing Education plan.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to **approve** Dr. Knoblich's new proposed continuation education plan. If Dr. Knoblich does not complete the continuing education in compliance with her Board Order by October 13, 2021, a new case with be opened due to non-compliance. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, nay. Motion passed 5 ayes, 1 nay.

3. 21-43: In Re: Christina (Nutter) Guttuso, DVM. Board may review, discuss, and take action on Motion for Rehearing or Review submitted.

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Mr. Loughead to approve the Motion for Rehearing or Review. **No second. Motion failed.**

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to **deny** Dr. Guttuso's Motion for Rehearing or Review. Motion passed 5 ayes, 1 nay (Mr. Loughead).

4. 20-107: In Re: Erin Hisrich, DVM. Board may review, discuss, and take action to rescind the July 21, 2021 vote to modify Consent Agreement related to counseling session frequency.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to rescind the vote to modify Dr. Hisrich's Consent Agreement related to counseling session frequency. Roll call: Ms. Creager, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Wright, aye; Mr. Loughead, aye; and Ms. Soloman, aye. Motion passed unanimously.

5. 21-146: In Re: John Oplinger, DVM. Board may review, discuss, and take action on modification of Consent Agreement to be offered.

- At 1:58m, a motion was made by Mr. Loughead and seconded by Ms. Creager to go into executive session for legal advice. Motion passed unanimously.

- At 2:17pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to rescind the previous Consent Agreement drafted for Dr. Oplinger and direct staff to redraft and return for consideration at a future Board meeting. Roll call: Ms. Creager,

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

6. 21-06: In Re: Amy Coy, DVM. Board may review, discuss, and take action on compliance with Board Order and may take action on Continuing Education Plan submitted.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to approve Dr. Coy's continuing education plan in compliance with her Board Order. Motion passed unanimously.

7. 20-14: In Re: Virginia Kern, DVM. Board may review, discuss, and take action on compliance with Consent Agreement.

After discussion and consideration, Board directed staff to invite the premises license holder to appear before the Board to discuss Dr. Kern's statements to the Board with respect to compliance with her Consent Agreement.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review Investigative Committee applications, conduct interviews, and appoint members.

a. Justin McCormick, DVM

Dr. McCormick appeared before the Board, made statements, and answered questions.

b. Irene Brady, DVM

Dr. Brady appeared before the Board, made statements and answered questions.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to appoint Dr. McCormick to the candidate for the PM Investigative Committee. Motion passed 5 ayes, 1 nay (Ms. Soloman).

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

a. Naree McCoy

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve applicant McCoy's veterinary license application. Motion passed unanimously.

b. Alfredo Sierra

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve applicant Sierra's veterinary license application. Motion passed unanimously.

3. Board may review, discuss, and take action on certified veterinary technician applications:

a. Melanie A. Fecke-Stoudt

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve applicant Fecke-Stoudt's certified veterinary technician application. Motion passed 5 ayes, 1 nay (Ms. Soloman).

b. Dustin Dyke

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve applicant Dyke's certified veterinary technician application. Motion passed unanimously.

4. Board may review, discuss, and take action on information received from Arizona Board of Chiropractic Examiners regarding Ava Frick, DVM.

No action taken.

5. Board may review, discuss, and take action on FY2023 budget request.

Ms. Whitmore reviewed the FY2023 budget request with the Board. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the FY2023 budget request. Motion passed unanimously.

6. Attorney General Report:

a. Update on 18-47: In Re: Adriana Stinnett, DVM (Arizona Supreme Court No. CV-21-0074-PR; Court of Appeals, Division One No. 1 CA-CV 20-0219; Maricopa County Superior Court No. LC2018-000429-001).

Ms. Frost was recused. Mr. Harris updated the Board with respect to the above-mentioned agenda item. No action taken.

b. 2021 Legislative Session updates.

Matter pended to a future Board meeting.

7. Board may review, discuss, and take action on follow-up on previously received information regarding Animal Kingdom.

No action taken.

8. Board may review, discuss, and take action on Case 22-13, re: Lorna Lanman, DVM and the following matters:

a. Status update on complaint.

Ms. Whitmore updated the Board on the status of complaint 22-13. No action taken.

b. Possible unlicensed practitioner.

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to open an unlicensed practitioner case regarding Armando Felix. Motion passed unanimously.

c. Premises inspection results for Petsvet Animal Hospital (#R3587).

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to consolidate the potential premises violations at Petsvet Animal Hospital with Dr. Lanman's open investigation, case 22-13. Dr. Lanman is the responsible veterinarian for the premises. Additionally, the Board directed staff to contact DEA to report the missing controlled substances. Motion passed unanimously.

9. Board may review, discuss, and take action on FY21 Annual Report to the Governor.

Matter pended to a future Board meeting.

10. Board may review, discuss, and take action FY21 Arizona Integrated Planning System Report.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the FY21 Arizona Integrated Planning System Report. Motion passed unanimously.

11. Board may review, discuss, and take action on holding a presentation for the Arizona Veterinary Medical Association related to Board activities.

After discussion and consideration, Board directed staff to facilitate holding a presentation for the Arizona Veterinary Medical Associate related to Board activities.

12. Board may discuss and take action on overview of the Investigative Committee's role and responsibilities.

- At 3:28pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session to hear from legal counsel regarding the Investigative Committee's role and responsibilities. Motion passed unanimously.

- At 3:37pm, the Board entered back into open session.

No action taken.

13. Executive Director Report:

a. Board members appointed.

Ms. Whitmore advised the Board that two new Board members have been appointed: Melissa Thompson, DVM and Craig Nausley, DVM.

VI. REVIEW AND APPROVAL OF MINUTES

1. August 18, 2021 Regular Session

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to approve the August 18, 2021 Regular Session minutes. Motion passed unanimously.

VII. CONSENT AGENDA

A. Approval of Premises Licenses – Responsible Veterinarian listed

1. R3699: Page Animal Hospital. New Responsible Veterinarian. Kevin Ballard, DVM
2. R3727: South Mountain Mobile Veterinary Service. New Premises. Rebecca Johnson, DVM
3. R3730: All About Restful Pets. New Address. Michelle Fox, DVM
4. R3731: VCA Valley Animal Hospital & Emergency. New Responsible Veterinarian. Jessica Markovich, DVM
5. R3734: Pima Pet Clinic. New Responsible Veterinarian. Tatum Wells, DVM
6. R3735: Banfield Pet Hospital #1033. New Responsible Veterinarian. Daniel McClair, DVM
7. R3736: Banfield Pet Hospital #1040. New Responsible Veterinarian. Daniel McClair, DVM

8. R3737: VCA Northwest Animal Hospital – Ina Road. New Owner. Erin. O'Donnell, DVM
9. R3738: VCA Northwest Animal Hospital – Oro Valley. New Owner. Erin. O'Donnell, DVM
10. R3739: Dr. Carr's Pet Repair. New Premises. John M. Carr, DVM
11. R3740: Banfield Pet Hospital #0147. New Responsible Veterinarian. Jill Besemer,
12. R3741: Banfield Pet Hospital #1270. New Responsible Veterinarian. Jill Besemer,
13. R3742: EasyVet. New Premises. Justin Similo, DVM
14. R3743: My Pet Market - Greyhawk. New Premises. Rose Fiskett, VMD
15. R3752: Doggie District. New Premises. Rose Fiskett, VMD
16. R3753: Payson Pet Care. New Responsible Veterinarian. Adrianna Allen, DVM
17. R3754: Banfield Pet Hospital #5197. New Responsible Veterinarian. Carie Bikson, DVM
18. R3755: Banfield Pet Hospital #4016. New Responsible Veterinarian. Carie Bikson, DVM
19. R3756: Banfield Pet Hospital #1120. New Responsible Veterinarian. Carie Bikson, DVM
20. R3757: Cimarron Animal Hospital. New Owner. Debra Bohnke, DVM

A (10) Removed from the Consent Agenda.
Approval of Premises Licenses granted.

B. Approval of Random Premises Inspections – Responsible Veterinarian Listed

1. R3454: Pet Doctor of Chandler. L.H. Nelson, DVM
2. R3335: Spay Neuter Clinic. Monica Durgin, DVM
3. R0042: Mobile Surgical Services. Gary Moody, DVM

B (2) Removed from Consent Agenda.
Approval of Random Premises Inspections granted.

C. Approval of Premises Change of Scope

1. R3587: Petsvet Animal Hospital. Add Mobile Unit and Emergency Services (not 24/7). Lorna Lanman, DVM

Approval of Premises Change of Scope granted.

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

Items Removed From Consent Agenda:

A (10):

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve pending inspection and compliance. Motion passed unanimously.

B (2):

Premises Compliance Inspector, Ms. Dawn Halbrook, updated the Board on her findings of the most recent premises inspection and reported improved from the previous inspection. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to approve the random premises inspection. Motion passed unanimously.

VIII. SUMMARY OF CURRENT EVENTS

No current events.

IX. CALL TO THE PUBLIC

Mr. Johnny Johnson addressed the Board.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, October 20, 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.

XI. ADJOURNMENT

Meeting adjourned at 3:48pm.

Respectfully submitted,



Victoria Whitmore, Executive Director