



**ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD**

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

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VETBOARD.AZ.GOV

**MINUTES**

**September 16, 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, CVT (telephonic), Dr. Robyn Jaynes (left at 3:10pm), and Dr. J. Greg Byrne.

**Members Absent:** Dr. Sarah Heinrich.

**Staff and Legal Counsel Present Telephonically/Electronically:** 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 8:30 a.m.

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

**1. 20-78, In Re: Samuel Kerby, DVM**

Ms. Danielle Mann was present telephonically and made statements. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Jaynes to accept the Investigative Committee's recommendation to dismiss this issue with no violation, but issue a **Letter of Concern** regarding communicating with pet owners with respect to difficult situations and/or patients. Motion passed 6 ayes, 1 nay (Dr. Wright).

**2. 20-79, In Re: Megan Helgeson, DVM**

Dr. Helgeson was present with attorney David Stoll and made statements. Ms. Brookelynn Kravetz was present telephonically with attorney Tricia Schafer and made statements. After discussion and consideration, a motion was made by Dr. Byrne and seconded by Ms. Creager to schedule this matter for an **Informal Interview**. Motion passed unanimously.

**3. 20-83, In Re: Hugo Santibanez, DVM**

Dr. Santibanez was present with attorney Logan Elia and made statements. Annabell Gonzalez was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to schedule this matter for an **Informal Interview**. Motion passed unanimously.

#### **4. 20-84, In Re: Hugh Gifford, DVM**

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to accept the Investigative Committee's recommendation to dismiss this issue with no violation, but issue a **Letter of Concern** regarding clear communication with pet owners with respect to an associate taking over the care of the pet while out of town or unavailable. Roll Call: Dr. Byrne, aye; Ms. Soloman, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, nay; Mr. Loughhead, aye; and Dr. Jaynes, aye. Motion passed 6 ayes, 1 nay.

#### **5. 20-85, In Re: Fernando Notario Britez, DVM**

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

#### **6. 20-88, In Re: Melissa Mazur, DVM**

Attorney David Stoll was present to monitor. 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.

#### **7. 20-89, In Re: Heather-Leigh Riedy, DVM**

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

#### **8. 20-90, In Re: Sandy Landry, 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 Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed 6 ayes, 1 absent (Ms. Frost).

#### **9. 20-91, In Re: Melvin Paquin, DVM**

Attorney David Stoll was present to monitor. Board staff was unable to reach Mr. Kenneth Hanley telephonically. 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.

### **III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION**

#### **1. 20-73: In Re: Kathryn McAdam DVM**

Dr. McAdam was present with attorney David Stoll, made statements and answered questions. Mr. and Mrs. Michael Coon were present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to find Dr. McAdam in violation of:

- *ARS 32-2232 (12) as it relates to AAC R3-11-501 (1) for failure to show respect to the pet owners for not being more informative with respect to the availability of a surgeon on site to perform the GDV surgery on the dog so the pet owners could make an informed decision regarding the care of their dog.*

Roll Call: Dr. Byrne, nay; Ms. Soloman, aye; Ms. Frost, nay; Ms. Creager, nay; Dr. Wright, aye; Mr. Loughhead, aye; and Dr. Jaynes, nay. **Motion failed 4 nays, 3 ayes.**

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Creager to dismiss this issue with no violation and issue a **Letter of Concern** with respect to informing the pet owner regarding surgeon availability. Roll Call: Dr. Byrne, aye; Ms. Soloman, nay; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, nay; Mr. Loughead, aye; and Dr. Jaynes, aye. Motion passed 5 ayes, 2 nays.

## **2. 20-124: In Re: Helena Carner, DVM**

Dr. Carner was present, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Dr. Jaynes to dismiss this issue with no violation and issue a **Letter of Concern** with respect to the use of an unlicensed practitioner for animals Dr. Carner has no knowledge of. Motion passed unanimously.

## **3. 20-72: In Re: Jolene Conley, DVM**

Attorney David Stoll was present and made statements on behalf of Dr. Conley. Dr. Conley was not present; she waived her appearance and did not request a continuance. Ms. Grace Bonacci was present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to find Dr. Conley in violation of:

- **ARS § 32-2232 (12)** as it relates to **AAC R3-11-501 (1)** for failure to use current professional and scientific knowledge; based on formularies reviewed, the cat was started on too high of a dose of fluconazole. If Respondent felt the dosage was necessary based on the cat's condition, the prescription should have been for a shorter period of time and the cat rechecked sooner than six (6) months and the pet owner should have been informed of the dosage change.

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

## **4. 20-76: In Re: Lyle Robinson, DVM**

Dr. Robinson was present with attorney W. Reed Campbell, made statements and answered questions. Mr. and Mrs. Tom Phelps were present telephonically, made statements and answered questions. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Wright to find Dr. Robinson in violation of:

- **ARS § 32-2232 (21)** as it relates to **AAC R3-11-502 (H)**:
  - **(2)** for failure to document the cat's examination prior to surgery on January 14, 2020 in the medical record; and
  - **(3)** for failure to record the animal's heart rate and respiration rate in the medical record immediately after giving an animal a general anesthetic and monitored and recorded every 15 minutes while anesthesia is being administered.

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

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

- **ARS § 32-2232 (12)** as it relates to **AAC R3-11-501 (1)** for failure to provide current professional and scientific knowledge for the use of ketamine and acepromazine as the sole anesthetic for an abdominal surgery.

Roll Call: Dr. Byrne, aye; Ms. Soloman, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, nay; and Dr. Jaynes, aye. Motion passed 6 ayes, 1 nay.

#### **IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS**

**1. 19-71: In Re: Celeste Roy, DVM. Monthly appearance as required by Consent Agreement.**

Dr. Roy was present in compliance with her Consent Agreement, made statements and answered questions. Attorney Larry Cohen was present telephonically.

**2. 19-93: In Re: Adrienne Mulligan, DVM. Board may review, discuss, and take action on continuing education submitted in compliance with Consent Agreement and may return license to Active status.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve Dr. Mulligan's continuing education submitted in compliance with her Consent Agreement and return her license to Active status. Motion passed unanimously.

**3. 20-14: In Re: Virginia Kern, DVM. Board may review, discuss, and take action on quarterly report from practice monitor regarding East Mesa Animal Hospital, License #P0117.**

No action taken.

**4. 20-107: In Re: Erin Hisrich, DVM. Board may review, discuss, and take action on case update provided.**

Dr. Hisrich was present with attorney Flynn Carey, made statements and answered questions.

- At 9:02am, 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 9:12am, the Board entered back into open session.
- At 9:33am, a motion was made by Dr. Wright and seconded by Ms. Creager to go into executive session for legal advice.
- At 9:48am, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to offer Dr. Hisrich a **Consent Agreement** adopting the Findings of Fact as drafted in the Investigative Division Report and Conclusion of Law **ARS § 32-2232 (7)** chronic inebriety or unlawful use of narcotics, dangerous drugs, or controlled substances. Roll Call: Dr. Byrne, aye; Ms. Soloman, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughhead, aye; and Dr. Jaynes, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Creager to offer Dr. Hisrich a **Consent Agreement** that contains a period of **Probation for three (3) years** to complete the following terms and conditions:

- Monthly drug testing the 1<sup>st</sup> year (6/2020 – 6/2021) - stepping down to quarterly drug testing the following two (2) years – as long as tests are clean;
- Attend N/A, or an equivalent program, three (3) times a week for the 1<sup>st</sup> year;
- Attend relapse prevention counseling (with a Board approved counselor) with quarterly reports to the Board;
- Quarterly appearances before the Board;
- Practice restrictions for the 1<sup>st</sup> year;

- o No access to controlled substances and supervision required, if providing veterinary services to the public;
  - o No prescribing controlled substances;
  - o Provide Consent Agreement to any employers and compel them to submit, in writing, confirmation that they read and understand Consent Agreement.
  - Respondent can petition the Board to modify the Consent Agreement at any point.
- Roll Call: Dr. Byrne, aye; Ms. Soloman, aye; Ms. Frost, aye; Ms. Creager, aye; Dr. Wright, aye; Mr. Loughead, aye; and Dr. Jaynes, aye. Motion passed unanimously.

**5. 19-96: In Re: Monson Tryon, DVM. Board may review, discuss, and take action on completion of continuing education as required by Consent Agreement.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Jaynes to approve Dr. Tryon's completed continuing education as required by his Consent Agreement and return his license to Active status. Motion passed unanimously.

**V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS**

**1. Board may review, discuss, and take action on veterinary license applications and may approve licenses.**

**a. Vernon Dryden**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve Dr. Dryden's veterinary license application and approve his license if he passes the exam. Motion passed unanimously.

**b. Nicholas Goody**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Wright to approve Dr. Goody's veterinary license application and approve his license if he passes the exam. Motion passed unanimously.

**2. Board may review, discuss, and take action on Investigative Committee applicant Kimala Hockey.**

Ms. Hockey appeared telephonically, made statements and answered questions with respect to the Investigative Committee application she submitted. No action taken.

**3. Board may review, discuss, and take action on case C-20-11, In Re: Alan Serna Alvarez possible unlicensed practitioner.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to close the matter. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**4. Board may review, discuss, and take action on case C-20-12, In Re: Chelsea Pearce possible unlicensed practitioner.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to close the matter. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**5. Board may review, discuss, and take action on case C-20-13, In Re: Morgan Pearce possible unlicensed practitioner.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to close the matter. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**6. Board may review, discuss, and take action on case C-20-15, In Re: Tony Rivera possible unlicensed practitioner.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Frost to close the matter. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**7. Board may review, discuss, and take action on Case C-20-16, In re: April A. Vernon, possible unlicensed practitioner.**

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to direct staff to send Ms. Vernon an educational letter and close the matter. If additional information is received the matter will be re-opened for further action. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**8. 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. Lawrence, Amber**

**b. Pantoja, Vanessa**

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 for failure to pass the State and/or VTNE exam, and appoint Ms. Whitmore to represent the Board if a settlement conference is requested, with her authority limited to denial. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**9. Board may review, discuss, and take action on premises scope change.**

**a. R3476: Desert Ark Veterinary Hospital. Danielle Simons, DVM. Add Mobile Unit.**

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to approve the above request for premises scope change. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**10. Board may review, discuss, and take action on review of the Board's Parameters and Requirements for Telehealth as adopted in April 2020, related to Executive Order 2020-19 "Telemedicine for Pets and Animals."**

No action taken.

**11. Board may review, discuss, and take action on information received regarding Refaat Ishak, DVM representing himself as "Dr. Reed."**

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Ms. Creager to open an investigation regarding Dr. Ishak representing himself as "Dr. Reed." Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**12. Board may review, discuss, and take action on annual report to the Governor per A.R.S. 32-2203.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to approve the annual report to the Governor. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**13. Board may review, discuss, and take action on Certified Veterinary Technician applications.**

**a. Christine D. Smith**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve Ms. Smith's CVT application. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**14. Board may conduct Board member training regarding the topic of complaints involving allegations of unlicensed activity.**

- At 2:30pm, after discussion and consideration, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice.
  
- At 3:30pm, the Board entered back into open session.

**15. Board may review, discuss, and take action on Equine Dental Provider application from Veronica S. Jones.**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Dr. Byrne to approve Ms. Jones' Equine Dental Provider application. Motion passed 6 ayes, 1 absent (Dr. Jaynes).

**VI. REVIEW AND APPROVAL OF MINUTES**

**1. July 15, 2020 Regular Session**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the July 15, 2020 regular session minutes. Motion passed 5 ayes, 2 abstentions (Dr. Bryne and Ms. Frost).

**2. August 19, 2020 Regular Session**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the August 19, 2020 regular session minutes. Motion passed 6 ayes, 1 abstention (Dr. Jaynes).

**3. August 19, 2020 Executive Session**

After discussion and consideration, a motion was made by Ms. Creager and seconded by Ms. Soloman to approve the August 19, 2020 executive session minutes. Motion passed 6 ayes, 1 abstention (Dr. Jaynes).

**VII. CALL TO THE PUBLIC**

Mr. Johnny Johnson appeared telephonically to speak to the Board.

**VIII. ESTABLISHMENT OF FUTURE MEETING DATE**

The next regular meeting will be held on **Wednesday, October 21, 2020**, 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.

**IX. ADJOURNMENT**

Meeting was adjourned at 4:12 p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director