

KATIE HOBBS
- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

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

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VETBOARD.AZ.GOV

MINUTES

September 18, 2024 at 8:30am
1740 W. Adams Street, Board Room B
Phoenix, Arizona 85007

Members Present: Ms. Jane Soloman, Dr. Craig Nausley, Ms. Nikki Frost, CVT, Dr. Robyn Jaynes (appeared in person then telephonically from 3:45pm – 5:53pm), Dr. Greg Byrne (appeared telephonically for agenda items IV. 3. and 4.), and Dr. Darren Wright (appeared in person then telephonically from 4:30 – 5:53pm).

Members Absent: Dr. Melissa Thompson

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director; Mr. Marc Harris, AAG (Assistant Attorney General); Jeanne Galvin, AAG, Ms. Tracy Riendeau, CVT, Investigations (via Google Meets); Todd Mannon, Premises Compliance Specialist, and Kiefer Chakmakian, Administrative Assistant.

I. CALL TO ORDER

Roll call: Dr. Jaynes 8:30 am.

II. INITIAL INVESTIGATIVE REVIEW AND ACTION ON THE FOLLOWING CASES

1. 24-118 In Re: Lindsey Smogor, DVM

Dr. Smogor was present with attorney David Stoll and made statements. Ms. Sandy McPadden was present and made statements. 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 ensuring the medical record contains the complete amount of carbocaine used and communication to the animal owner is clear. Motion passed unanimously.

2. 24-120, In Re: Carla Smith, DVM

Attorney David Stoll was present to monitor. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to modify the Investigative Committee's recommendation and dismiss this issue with no violation and issue a Letter of Concern with respect to ensuring the owner of an animal is made aware of what may transpire during the euthanasia process. Motion passed 4 ayes, 1 nay (Dr. Wright).

3. 24-121, In Re: Nalani Yamada, DVM

Dr. Yamada was present with attorney Rae Richardson and made statements. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to schedule this matter for an Informal Interview. Motion passed unanimously.

4. 24-122, In Re: Michael Robinson, DVM

Dr. Robinson was present and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to schedule this matter to an Informal Interview. Motion passed unanimously.

5. 24-123, In Re: Velvet Edwards, DVM

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to schedule this matter to an Informal Interview. Motion passed unanimously.

6. 24-125, In Re: Rajesh Joshi,

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

7. 24-126, In Re: Irene Brady, DVM

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

8. 24-127, In Re: A. E. Hershey, DVM

Dr. Hershey was present with attorney David Stoll and made statements. After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to reject the Investigative Committee's recommendation and dismiss this issue with no violation. Motion passed unanimously.

9. 24-128, In Re: Benjamin Savard, DVM

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

10. 24-129, In Re: Toni Barnes, DVM

After discussion and consideration, a motion was made by Dr. Jaynes and seconded by Dr. Nausley to accept the Investigation Committee's recommendation and adopt the proposed Findings of Fact and Conclusions of Law as the Board's Findings of Fact and Conclusions of Law. Motion passed 4 ayes, 1 nay (Dr. Wright).

After further discussion and consideration, a motion was made by Dr. Jaynes and seconded by Ms. Soloman to offer Dr. Barnes a Consent Agreement that includes a period of Probation of 1 year to obtain an additional three (3) hours of continuing education in addition to the statutory requirements to maintain licensure. Those three (3) hours shall be in the area of Diagnostic Imaging. If Dr. Barnes does not sign the Consent Agreement in 30 days, the matter will be scheduled to an Informal Interview. Roll call: Ms. Soloman, aye; Dr.

Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

11. 24-156, In Re: Heather Sanchez-Skultety, 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 dismiss this with no violation. Motion passed unanimously.

12. 24-159, In Re: William Langhofer, DVM

Dr. Langhofer was present with attorney David Stoll was present and made statements. 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.

13. 25-09, In Re: Hugo Santibanez, DVM

Dr. Santibanez was present with attorney Flynn Carey, made statements and answered questions. Ms. Katie Carpenter, Board approved practice monitor, was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to extend Dr. Santibanez's Consent Agreement for case 24-53, In Re: Hugo Santibanez, DVM to two (2) years. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Ms. Soloman and Dr. Nausley to offer Dr. Santibanez's a Consent Agreement that includes a temporary practice restriction of performing surgeries until the Board approves Dr. Santibanez's anesthesia and pain management policies and procedures. If the Consent Agreement is not signed within 15 days, the matter will be scheduled for an Informal Interview. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

If the Consent Agreement is signed, case 25-09 will be dismissed.

III. INFORMAL INTERVIEWS - BOARD DELIBERATION AND ACTION

1. 11:00 a.m.: 24-143, In Re: Bryan Hayter, DVM

Dr. Hayter was present, made statements, and answered questions.

- At 12:32pm, a motion was made by Ms. Soloman and seconded by Dr. Wright to go into executive session for legal advice. Motion passed unanimously.
- At 12:45pm, the Board went into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Jaynes to find Dr. Hayter in violation of **ARS § 32-2232 (18)** as it relates to **ARS § 32-2272 (B) (2)** for not residing in Arizona while being the Responsible Veterinarian/premises license holder of a premises as required. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

2. 11:30 a.m.: 24-142, In Re: Karla Valentine, DVM

Dr. Valentine 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. Nausley to dismiss this matter with no violation and issue a **Letter of Concern** for failure to notify the Board of a change of residence within 20 days. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, nay; Dr. Nausley, aye; and Dr. Wright, nay. Motion passed 3 ayes, 2 nays.

3. 12:30 p.m.: 24-144, In Re: Arlene Dreste, CVT

Ms. Arlene Dreste was present, made statements and answered questions.

- At 2:45pm, a motion was made by Dr. Nausley and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 2:50pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to dismiss this issue with no violation and issue a **Letter of Concern** for ensuring the Statutes and Rules surrounding Certified Veterinary Technicians are read and understood. Motion passed unanimously.

4. 1:00 p.m.: 24-116, In Re: Nilin Gupta, BVSc

Dr. Gupta was present with attorney David Stoll, 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 ensuring proper fluid therapy is provided to a pet; and pet owners are aware of the severity of a pet's condition and urgency of an emergency referral. Roll call: Ms. Soloman, nay; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, nay; and Dr. Wright, aye. Motion passed 3 ayes, 2 nays.

5. 2:00 p.m.: 24-140, In Re: Timothy Chiasson, DVM

No quorum. Tabled to a future Board meeting.

6. 24-101: In Re: John McWhirter, DVM – Continuance of Informal Interview of August 21, 2024, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law, and adopting an Order.

Dr. McWhirter was present with attorney Flynn Carey and made statements. After discussion and consideration, a motion was made by Dr. Nausley and seconded by Dr. Wright to adopt the Findings of Fact and Conclusions of Law as drafted. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to issue Dr. McWhirter an **Order** that includes a period of Probation of one (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:

- **Four (4) hours in Client Communication;** and
- **Two (2) hours in Medical Record Keeping.**

The Order shall also include a civil penalty of \$1000 per violation; total of \$2000. The civil penalty shall be paid on or before the end of the probationary period. Motion passed unanimously.

IV. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1. 24-54: In Re: Erin Miracle, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on information provided.

Dr. Miracle was present, with attorney Flynn Carey, in compliance with her Consent Agreement, made statements and answered questions.

2. 23-80: In Re: Dawn Hunsberger, VMD. Monthly appearance as required by Interim Consent Agreement. Board may review, discuss, and take action on information provided, including review of compliance with Interim Consent Agreement.

Dr. Nausley was recused. Dr. Hunsberger was present, made statements and answered questions in compliance with her Consent Agreement.

3. 24-107: In Re: Tamara Pauletto, DVM. Quarterly appearance in compliance with Consent Agreement. Board may review, discuss, and take action on information provided, including review of compliance with Consent Agreement.

Ms. Frost was recused. Dr. Pauletto was present; attorney Michael Goldberg was present telephonically. Dr. Pauletto made statements and answered questions.

4. 24-96: In Re: Michael Rice, 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 Ms. Soloman to approve Dr. Rice's continuing education plan in compliance with his Board Order. Motion passed unanimously.

5. 23-60: In Re: Vicki Harris, DVM. Board may review, discuss, and take action on continuing education courses completed and on revised plan submitted to complete requirement.

After discussion and consideration, the Board directed staff to give Dr. Harris another 30 days to submit plan and resend legible certificates of completed continuing education courses.

6. 23-146: In Re: Lorna Lanman, DVM. Board may review, discuss, and take action on continuing education courses completed in compliance with Board Order.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Nausley to approve Dr. Lanman's continuing education in compliance with her Board Order and return license to Active status upon receipt of the civil penalty. Motion passed unanimously.

7. 24-88: In Re: Carolyn Lopez, 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 Ms. Frost and seconded by Ms. Soloman to approve Dr. Lopez's continuing education plan submitted in compliance with her Consent Agreement pending confirmation of course hours. Motion passed unanimously.

8. 24-08: In Re: Dwight Benesh, DVM. Board may review, discuss, and take action on Practice Monitor Report received in compliance with Consent Agreement.

Attorney Courtney Sullivan was present, made statements and answered questions. After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr.

Nausley, to modify Dr. Benesh's Consent Agreement to include a written report to the Board with respect to missing euthanasia solution within 60 days. Motion passed unanimously.

9. 24-22: In Re: Nilin Gupta, DVM. Board may review, discuss, and take action on continuing education completed in compliance with Board Order and may return license to Active status.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to approve Dr. Gupta's continuing education in compliance with his Board Order and return his license back to Active status. Motion passed unanimously.

10. Combined cases 22-136 & 23-03: In Re: Maya Bellapianta, DVM. Monthly appearance as required by Consent Agreement. Board may review, discuss, and take action on compliance with Interim Consent Agreement and other information presented and may amend Interim Consent Agreement. Possible action includes, but is not limited to, Respondent's failure to appear at the Board's August 21, 2024 meeting and Respondent's compliance with the Board's order to undergo a drug blood and nail test by August 30, 2024.

Attorney Flynn Carey was present, made statements and answered questions.

- At 4:15pm, a motion was made by Dr. Wright and seconded by Ms. Soloman to go into executive session for legal advice. Motion passed unanimously.
- At 4:27pm, the Board entered back into open session.

After discussion and consideration, a motion was made by Ms. Soloman and seconded by Dr. Wright to offer an amended ICA for an indefinite suspension of licensure. The suspension would be lifted if Dr. Bellapianta could demonstrate that she could safely and competently practice veterinary medicine which would include undergoing any evaluations the Board would deem appropriate. Alternatively, Dr. Bellapianta could sign a Consent Agreement for the voluntary surrender of her license that would be recorded and treated as a revocation. If not signed within 14 days, the matter would be brought back to the Board. Roll call: Ms. Soloman, aye; Dr. Jaynes, aye; Ms. Frost, aye; Dr. Nausley, aye; and Dr. Wright, aye. Motion passed unanimously.

11. 24-34: In Re: Maya Bellapianta, DVM. Board may review, discuss, and take action on evaluation submitted as required by Board Order.

See agenda item IV. #10

12. 24-53: In Re: Hugo Santibanez, DVM. Board may review, discuss, and take action on Practice Monitor Report.

See Agenda item II. #13.

V. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take action on self-report of reportable charges as required by A.R.S. 32-3208(A) from Maya Bellapianta, DVM.

See agenda item IV. #10.

2. 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. Emily Kramer

After discussion and consideration, a motion was made by Ms. Frost and seconded by Ms. Soloman to approve Ms. Kramer's education as it meets the requirement equivalency. Motion passed unanimously.

3. Board may review, discuss, and take action on possible unlicensed practitioner Allison Montano.

After discussion and consideration, a motion was made by Dr. Nausley and seconded by Ms. Soloman to open an investigation with respect to Ms. Montano's conduct. Motion passed unanimously.

4. Board may review, discuss, and take action on veterinary technician application:

a. Jennifer Rose

Ms. Rose was present, made statements, and answered questions. After discussion and consideration, a motion was made by Ms. Frost and seconded by Dr. Wright to approve Ms. Rose's CVT application. Motion passed unanimously.

5. Board may review, discuss, and take action on premises inspections:

a. R1446: KC Animal Hospital and Pet Resort. Daniel Pirotte, DVM

b. R3530 Metro Pet Spay and Neuter. Raegan Wells, DVM

c. R3565: Western Animal Hospital. Catalin Petcu, DVM

Tabled to future Board meeting.

6. Board may review, discuss, and take action on continuing education requirements for recent veterinary college graduates per A.A.C. R3-11-401(C).

After discussion and consideration, the Board directed staff to grant applicants that did not graduate before applying for licensure the ability to use 10 hours of continuing education of schooling toward their renewal application, similar to those who apply after graduation.

7. Board may review, discuss, and take action on FY24 Annual Report to the Governor.

After discussion and consideration, the Board suggested adding Board vacancies to the report to the Governor.

8. Executive Director Report

a. FY26 Budget process

b. FY26 5-year plan

c. Investigative Committee update

Ms. Whitmore updated the Board on the above mentioned topics.

9. Board may review, discuss, and take action on Administrative Rule Five Year Rule Draft Report.

No action taken.

VI. REVIEW AND APPROVAL OF MINUTES

1. August 21, 2024 Regular Session

2. August 21, 2024 Executive Session

No quorum; tabled to future Board meeting.

VII. CONSENT AGENDA

A. **Approval of Premises Licenses** – Responsible Veterinarian listed

1. R4501: Los Caballos Veterinary Service. Address Change. Misa Dickinson, DVM.
2. R4506: Animal Bodywork & Nutrition. Address Change. Ava Frick, DVM.
3. R4509: West Phoenix Veterinary Hospital. New Owner. Gureetpal Grewal, BVSc.
4. R4510: Agriculture in Focus. New Premises. Christina Brownlee, DVM.
5. R4513: Pet Life Veterinary Clinic Paradise Valley. New Responsible Veterinarian, New Owner. Fernando Notario Britez, DVM.
6. R4514: St. Francis Veterinary Group. Address Change. Luke Fike, DVM.
7. R4517: Banfield Pet Hospital #1066. New Responsible Veterinarian. Sarah Duncan, DVM.
8. R4518: Banfield Pet Hospital #0154. New Responsible Veterinarian. Krista Zeien, DVM.
9. R4525: VCA Animal Hospital Urgent Care – Peoria. New Premises. Ellen Weiler, DVM.
10. R4515: Residence of Marla O'Halloran. New Premises. David Barnes, DVM.
11. R4519: Arizona Veterinary Behavior, LLC Mobile Unit. New Premises. Heather Gerrish, DVM.
12. R4520: The Vets of Phoenix Mobile. Address Change. Justin Similo, DVM.
13. R4521: Kaibab Veterinary Hospital. New Responsible Veterinarian. Emily Whitmore, DVM.
14. R4522: Class Pet Lima JTED Veterinary Clinic. Address Change. Dimitri Brown, DVM.
15. R4523: Humane Society of Wickenburg. New Premises. Elise Dunphy, VMD.
16. R4524: Luna Veterinary Care. New Premises. Catherine Klein, DVM.
17. R4526: Flagstaff Veterinary Clinic. New Premises. Cameron Folkers, DVM.
18. R4527: Lost our Home Pet Rescue. New Premises. Marinda Bernard, DVM.
19. R4528: North Kenilworth Veterinary Care. Alyssa Show, DVM.
20. R4529: VCA Animal Hospital Urgent Care – Scottsdale. New Responsible Veterinarian Lauren Young, DVM.
21. R4531: The Rehab Nook. New Responsible Veterinarian. Emily Whitmore, DVM.

A (1), (2), (4), (5), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20) and (21) were removed from the Consent Agenda.

Approval of Premises Licenses granted.

B. **Approval of Random Premises Inspections** – Responsible Veterinarian listed

1. P0292: Kathy Opfenring, DVM. Kathy Opfenring, DVM.
2. R0081: Yuma Veterinary Clinic. Kathy Opfenring, DVM.
3. R2814: Pusch Ridge Pet Clinic. Timothy Halstead, DVM.
4. R3153: Benarda Veterinary Hospital Inc. A.C.C. Kayomee Daroowalla, DVM.
5. R0337: Jim Lytle, DVM. Jim Lytle, DVM.

B (4) was removed from the Consent Agenda.

Approval of Random Premises Inspections granted.

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

Items Removed From The Consent Agenda:

A (5), (8), (9), (12), (18), (19), and B (4).

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

A (1), (2), (4), (10), (11), (13), (14), (15), (16), (17), (20), and (21).

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

VIII. SUMMARY OF CURRENT EVENTS

No summary of current events.

IX. CALL TO THE PUBLIC

Dr. Birrenbach and Dr. Bogen addressed the Board and requested the Board consider reversing their decision on a matter involving disciplinary action against Dr. Birrenbach.

X. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on **Wednesday, October 16, 2024**, beginning at 8:30 a.m. at 1740 W. Adams Street, Board Room "B," Phoenix, Arizona, 85007. One or more Board members may appear telephonically.

XI. ADJOURNMENT

Meeting adjourned at 5:53pm.

Respectfully submitted,



Victoria Whitmore, Executive Director