



DOUGLAS A. DUCEY
- GOVERNOR -

VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH RD., STE. 100 ♣ SCOTTSDALE, ARIZONA 85258
PHONE: (602) 364-1-PET ♣ FAX: (602) 364-1039
VETBOARD.AZ.GOV

MINUTES

February 5, 2016
at 9:00 a.m.

9535 E. Doubletree Ranch Rd. – Suite 100
Scottsdale, Arizona 85258
TELEPHONIC SPECIAL BOARD MEETING

Members Present: Dr. Brian Serbin, Dr. Christina Bertch-Mumaw, Mr. James Loughhead, Dr. J. Greg Byrne, Ms. Jessica Amend and Dr. Darren Wright.

Members Absent: Dr. Les Hatfield, Ms. Julie Mumford, C.V.T., and Ms. Julie Young.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director (E.D.); Ms. Sunita Krishna, Assistant Attorney General (A.A.G.), and Ms. Tracy Riendeau, C.V.T., Senior Medical Investigator.

I. CALL TO ORDER

Roll call at 9:00 a.m.: Ms. Victoria Whitmore

II. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-01: In Re: Richard Livingston, D.V.M. Continuance of Informal Interview of January 20, 2016, for the purpose of receiving additional information and reviewing and 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. Bertch-Mumaw and seconded by Dr. Serbin to amend the Conclusions of Law to clarify the date that "the cat was sent home in an extremely unstable condition with no recommendation for follow up care at an emergency facility" and "No home care instructions." The Board Order is to specify "May 2, 2015" for those items. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughhead, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to remove the violation A.R.S. 32-2232 (12) as it relates to A.A.C. R3-11-502 (E) in the Conclusions of Law because the violation is redundant. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughhead, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, the Board elected *not* to amend the medical record keeping violations in the Conclusions of Law, specifically A.A.C. R3-11-502 (L)(5), as the Board considered constipation an underlying cause secondary to a disease, not a diagnosis. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to accept the Findings of Fact as drafted and the Conclusions of Law as amended. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to issue Dr. Livingston an Order to include a period of **Probation** for **two (2) years** to obtain an additional **ten (10) hours** of continuing education in addition to the statutory requirements for license renewal. Those hours are to include:

- **Four (4) hours** in pain management;
- **Four (4) hours** in post-op complications and care; and
- **Two (2) hours** in client communications.

The Order shall also include a civil penalty totaling \$1000; **\$500 civil penalty** for the medical record keeping violations and **\$500 civil penalty** for the gross negligence violations. The civil penalty is to be paid before the end of the Probationary term.

To clarify, the Board Ordered the four (4) hours of CE in post-op complications due to the cat presenting to Respondent with anorexia, vomiting, and lethargy three days after a surgical procedure. Respondent was not aware of the cause of these issues and should have pursued additional diagnostics and treated the cat appropriately.

III. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1.15-68: In Walter Kurth, D.V.M. Board may review, discuss, and take action to rescind the January 20, 2016 motion to adopt the Order and may review, discuss, and take action to adopt the Order with amendment of the sanctions stated in the Order.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to rescind their motion to Order Dr. Kurth to do 4 (four) hours of CE in medical record keeping. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to increase the 4 (four) hours of CE in **diabetes and/or diabetic ketoacidosis** to **6 (six) hours** of CE, and increase the 2 (two) hours of CE in **urinary tract infection recognition** to **4 (four) hours** of CE. Other CE previously voted on would remain the same. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to decrease Dr. Kurth's **civil penalty** from \$1500 to **\$1000**, which will be due on or before the end of his Probationary term. Roll call: Dr. Serbin, aye; Ms. Amend,

aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

IV. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may hold election for Board Chair and Vice Chair.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to nominate Mr. Loughead for Chair.

No other nominations made; Mr. Loughead will serve as Chairman of the Board from February 2016 until the end of the fiscal year, 6/30/2016. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

After further discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Serbin to nominate Dr. Bertch-Mumaw for Vice Chair.

No other nominations made; Dr. Bertch-Mumaw will serve as Vice Chair of the Board from February 2016 until the end of the fiscal year, 6/30/2016. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

2. Board may review, discuss, and take action on legislative bill HB2501 related to health care agencies.

Ms. Whitmore informed the Board about legislative bill HB2501 related to the transfer of most health care regulatory boards to the Arizona Department of Health Services; the Veterinary Board is not included in the bill. A motion was made by Dr. Serbin and seconded by Dr. Wright to direct Ms. Whitmore to request the Board's lobbyist to monitor the bill and engage if necessary. Roll call: Dr. Serbin, aye; Ms. Amend, aye; Dr. Byrne, aye; Dr. Bertch-Mumaw, aye; Mr. Loughead, aye; and Dr. Wright, aye. Motion passed unanimously.

V. REVIEW AND APPROVAL OF MINUTES

a. January 20, 2016 Regular Session

No quorum. Pend to a future Board meeting.

b. January 20, 2016 Executive Session

No quorum. Pend to a future Board meeting.

VI. CALL TO PUBLIC

No member of the public wished to speak.

VII. ADJOURNMENT

The meeting adjourned at 9:33a.m.

Respectfully submitted,

Victoria Whitmore, Executive Director



DOUGLAS A. DUCEY
- GOVERNOR -

VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
9535 E. DOUBLETREE RANCH RD., STE. 100 ♣ SCOTTSDALE, ARIZONA 85258
PHONE: (602) 364-1-PET ♣ FAX: (602) 364-1039
VETBOARD.AZ.GOV

MINUTES
January 20, 2016
Board Room, at 8:30 a.m.
9535 E. Doubletree Ranch Rd.
Scottsdale, Arizona 85258

Members Present: Dr. Brian Serbin, Dr. Christina Bertch-Mumaw, Mr. James Loughead, Dr. J. Greg Byrne, Dr. Les Hatfield, Ms. Julie Mumford, C.V.T, and Ms. Julie Young (left at 10:37a.m., returned at 12:25p.m.).

Members Absent: Ms. Jessica Amend and Dr. Darren Wright.

Staff and Legal Counsel Present: Ms. Victoria Whitmore, Executive Director (E.D.); Mr. Marc Harris, Assistant Attorney General (A.A.G), Ms. Sunita Krishna, Assistant Attorney General (A.A.G.), Ms. Gina Pickering, Compliance Specialist and Ms. Tracy Riendeau, C.V.T., Senior Medical Investigator.

I. CALL TO ORDER

Roll call: Ms. Julie Mumford, C.V.T.

II. INITIAL INVESTIGATIVE REVIEW

1. 16-19, In Re: Michael Ferrara, D.V.M.

Complainant, Mr. Maher, was present and made statements. After discussion and consideration, a motion was made by Mr. Loughead and seconded by Dr. Hatfield to schedule this matter for an **Informal Interview**. Motion passed unanimously.

2. 16-20, In Re: Catalin Petcu, D.V.M.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughead to accept the Investigative Committee's recommendation and **dismiss** this issue with no violation. Motion passed unanimously.

3. 16-22, In Re: Colleen Brown, D.V.M.

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

4. 16-23, In Re: Jill Patt, D.V.M.

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

5. 16-34, In Re: Anna George, D.V.M.

Dr. George was present and made statements. After discussion and consideration, a motion was made by Dr. Hatfield and seconded by Dr. Serbin to schedule this matter for an **Informal Interview**. Motion passed 6 ayes, 1 nay (Mr. Loughead).

III. ADMINISTRATIVE (FORMAL) HEARINGS

1. 15-93 & 16-18, In Re: Charlee Barrett, C.V.T.

Assistant Attorney General, Sunita Krishna, represented the state, made statements and answered questions. Witness, Executive Director for the Arizona State Veterinary Medical Examining Board, Victoria Whitmore, and witness, Senior Medical Investigator for the Arizona State Veterinary Examining Board, Tracy Riendeau, were present and answered questions. Assistant Attorney General, Chis Munns of the Solicitor General's Office, was present to provide independent procedural advice to the Board. Ms. Barrett was also present.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to adopt the Factual Allegations in the Complaint and Notice of Hearing as the Board's Findings of Fact. Motion passed unanimously.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw the Conclusions of Law in the Complaint and Notice of Hearing as the Board's Conclusions of Law. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Byrne to issue Ms. Barrett an Order to Revoke her Arizona Certified Veterinary Technician certificate. Roll call: Ms. Young, aye; Dr. Bertch-Mumaw, aye; Dr. Serbin, aye; Ms. Mumford, aye; Mr. Loughead, aye; Dr. Byrne, aye; and Dr. Hatfield, aye. Motion passed unanimously.

IV. INFORMAL INTERVIEWS AND BOARD DELIBERATION

1. 16-01, In Re: Richard Livingston, D.V.M.

Dr. Livingston was present with counsel, David Stoll, made statements and answered questions. Mr. Kerry Humphrey was present, made statements and answered questions.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Hatfield to find Dr. Sullivan in violation of:

- o A.R.S. § 32-2232 (11) Gross negligence; unnecessary suffering caused by carelessness in a critically ill pet:
 - Not providing adequate pain management;
 - Not pursuing additional diagnostics;

- The cat was sent home in an extremely unstable condition with no recommendation for follow up care at an emergency facility;
 - No home care instructions;
 - Failure to recognize the severity of the case; and
 - Failure to recommend IV fluid therapy and more intensive care for an anorectic obese cat.
- A.R.S. § 32-2232 (12) as it relates to R3-11-502(E) failure to provide discharge instructions detailing the care of the cat after hospitalization including where to seek emergency care if needed.
 - A.R.S. § 32-2232 (12) as it relates to R3-11-501(8) failure to provide copies of medical records to Complainants within ten (10) days of the request. Complainants requested medical records on 5/23/15 and they were not mailed until 6/4/15.
 - A.R.S. § 32-2232 (21) as it relates to R3-11-502(L):
 - (5) failure to document in the animal's medical record the tentative or definitive diagnosis;
 - (7)(d) failure to document in the animal's medical records the route of administration for xylazine and ketamine on 4/27/15 and atropine on 5/1/15; and
 - (10) failure to document in the animal's medical record signature or initials of each individual placing an entry in the medical record.

Motion passed unanimously.

2.15-106, In Re: Raymond Anderson, D.V.M. Continuance of Informal Interview of December 16, 2015, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law and adopting and Order.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to accept the proposed Findings of Fact and Conclusions of Law as drafted. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to issue Dr. Anderson an Order that includes a period of **Probation** for two **(2) years** to obtain a total of **12 hours** of continuing education in addition to the statutory requirements for license renewal. Those hours are to include:

- **Ten (10) hours** in medical record keeping; and
- **Two (2) hours** in pre-anesthetic protocols; anesthesia induction and use of pre-anesthetic medications.

The Order shall also include a **\$1000 civil penalty** to be paid before the end of the Probationary term.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Ms. Young, aye; Dr. Serbin, aye; Dr. Byrne, aye; Mr. Loughhead, aye. Motion passed unanimously.

3.15-68, In Re: Walter Kurth, D.V.M. Continuance of Informal Interview of December 16, 2015, for the purpose of receiving additional information and reviewing possible action to approve proposed Findings of Fact, Conclusions of Law and adopting and Order.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to accept the proposed Findings of Fact and Conclusions of Law as drafted. Motion passed unanimously.

After further discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Mumford to issue Dr. Kurth an Order that includes a period of **Probation** for two **(2) years** to obtain a total of **16 hours** of continuing education in addition to the statutory requirements for license renewal. Those hours are to include:

- **Four (4) hours** in medical record keeping;
- **Four (4) hours** in diabetes and/or diabetic ketoacidosis;
- **Two (2) hours** in urinary tract infection recognition;
- **Two (2) hours** in urinary incontinence;
- **Two (2) hours** when to refer cases; and
- **Two (2) hours** in the uses and contraindications of corticosteroids.

The Order shall also include a **\$1500 civil penalty** (\$1000 for malpractice and \$500 for ethics) to be paid before the end of the Probationary term.

Roll call: Dr. Hatfield, aye; Dr. Bertch-Mumaw, aye; Ms. Mumford, aye; Ms. Young, aye; Dr. Serbin, aye; Dr. Byrne, aye; Mr. Loughhead, aye. Motion passed unanimously.

V. ADMINISTRATIVE REVIEW OF PREVIOUS ACTIONS

1.14-27, In Re: Monica Bunge, D.V.M. Quarterly appearance in compliance with Consent Agreement.

Dr. Bunge was present telephonically, made statements and answered questions in compliance with her Consent Agreement.

2.14-76, In Re: Marlo Tascon, D.V.M. Board may review, discuss, and take action on Continuing Education (CE) completed as required by Board Order.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to accept Dr. Tascon's completed continuing education as required by his Board Order. Motion passed unanimously.

3.14-85, In Re: Mark Soderstrom, D.V.M. Board may review, discuss, and take action on possible non-compliance with Consent Agreement.

Dr. Bertch-Mumaw was recused. After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to open an investigation with respect to possible non-compliance of a Board Order by Dr. Soderstrom and immediately schedule the matter for an Informal Interview. After further discussion and consideration, a motion was made by Dr. Serbin and seconded by Ms. Mumford to consolidate case 14-85 with newly opened case. Both motions passed 6 ayes, 1 recusal.

4.16-21: In Re: Jim Rusher, D.V.M. Board may review and discuss acceptance of Consent Agreement.

Ms. Whitmore informed the Board that the order for a Summary Suspension had been mailed to Dr. Rusher the evening of the December 16, 2015 Board meeting. However, Dr. Rusher had mailed in the signed Consent Agreement that had been offered to him in this case; it was received late. To expedite the matter, the Consent Agreement, in which Dr.

Rusher agreed to stop providing veterinary services, was accepted and is in effect.

5.15-35: In Re: Walter Kurth, D.V.M. Board may review, discuss, and take action on revised Continuing Education (CE) plan submitted in compliance with Board Order.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughead to accept Dr. Kurth's revised continuing education plan submitted in compliance with his Board Order. Motion passed unanimously.

6.15-47: In Re: Mario Tascon, D.V.M. 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. Bertch-Mumaw and seconded by Ms. Mumford to accept Dr. Tascon's continuing education plan submitted in compliance with his Board Order. Motion passed unanimously.

VI. REPORTS, CORRESPONDENCE, REFERRALS AND OTHER BUSINESS

1. Board may review, discuss, and take provide direction to Board staff regarding the phrase "scientific meeting" within A.A.C. R3-11-401(A)(3).

After discussion and consideration, it was decided that an intern/externship does not qualify as a "scientific meeting;" therefore, it does not meet the requirements to earn continuing education credit for license renewal.

2. Board may review, discuss, and take action on C-15-09, In Re: Noemi Galli – Unlicensed Practitioner.

➤ At 12:33 p.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to go into executive session to obtain legal advice. Motion passed unanimously.

➤ At 12:46 p.m., the Board returned to open session.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughead to issue Ms. Galli an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

3. Board may review, discuss, and take action on C-15-10, In Re: Anna Cathell – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughead to issue Ms. Cathell an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

4. Board may review, discuss, and take action on C-15-11, In Re: Evelyn Martinez – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughead to issue Ms. Martinez an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

5. Board may review, discuss, and take action on C-15-12, In Re: Chelsea Piper – Unlicensed Practitioner.

Dr. Hatfield was recused. After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughead to issue Ms. Piper an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed, 6 ayes, 1 recusal.

6. Board may review, discuss, and take action on C-15-13, In Re: John Schmitt – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughead to issue Mr. Schmitt an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

7. Board may review, discuss, and take action on C-15-14, In Re: James Schmitt – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughead to issue Mr. Schmitt an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

8. Board may review, discuss, and take action on C-16-01, In Re: Kay Aubrey-Chimene – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughead to issue Ms. Aubrey-Chimene an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

9. Board may review, discuss, and take action on C-16-02, In Re: Sue Davis – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughead to issue Ms. Davis an Unlicensed Practitioner Letter of Concern, close the case. Board also directed staff to refer this matter to the Chiropractic Board. Motion passed unanimously.

10. Board may review, discuss, and take action on C-16-03, In Re: Gary Biggerstaff – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to issue Mr. Biggerstaff an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

11. Board may review, discuss, and take action on C-16-04, In Re: Cate Drown – Unlicensed Practitioner.

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Serbin to issue Ms. Drown an Unlicensed Practitioner Letter of Concern and then close the case. Motion passed unanimously.

12. Board may review, discuss, and take action on quarterly review of Board member training program.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to change the Board's review of the training program to a yearly review and to add the viewing of American Association of State Boards (AAVSB) conference session videos to the menu of training options. Motion passed unanimously.

13. Board may review, discuss, and take action on denial of certification for veterinary

technician applicants who failed the VTNE and/or State exam. List available upon request.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Serbin to deny certification for veterinary technician applicants who failed the VTNE and/or State exam. Motion passed unanimously.

14. Board may review, discuss, and take action on certification for veterinary technicians pending submission of issuance fee.

- a. Rachel Barry
- b. Alexandra Child
- c. Kristin Craig
- d. Brittany Herring
- e. Marissa Hunt
- f. Gianna Martinez
- g. Joseph Onello
- h. Amanda Smith
- i. Tracy Smith
- j. Crystal Varela
- k. Malra Villa

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the above veterinary technician certifications pending submission of license issuance fee. Motion passed unanimously.

15. Board may review, discuss, and take action on application for Veterinary License.

a. Brittany Factor (E)

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Mr. Loughhead to allow Dr. Factor to sit for the State veterinary exam. Motion passed unanimously.

b. Istvan Szasz (E)

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Serbin to allow Dr. Szasz to sit for the State veterinary exam. Motion passed unanimously.

c. Glenn D. Park (E)

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Ms. Mumford to allow Dr. Park to sit for the February State exam and request Dr. Park appear before the Board at a future meeting to discuss this matter – telephonic appearance is acceptable. Motion passed unanimously.

d. Timothy Chaisson (E)

- At 1:27 p.m., after discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Hatfield to go into executive session to obtain legal advice. Motion passed unanimously.

- At 1:31 p.m., the Board returned to open session.

After review and discussion, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to allow Dr. Chaisson to sit for the February State exam and request Dr. Chaisson appear before the Board at a future meeting to discuss this matter. Motion

passed unanimously.

16. Board may review, discuss, and take action on veterinary license pending submission of license issuance fee.

a. Carolina Nuñez (R)

b. Heather Venkat (R)

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the above veterinary licenses pending receipt of license issuance fee. Motion passed unanimously.

17. Board may review, discuss, and take action on denial of Veterinary License for failure to pass the State exam. List available upon request.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to deny licensing of veterinary applicants who failed the State exam. Motion passed unanimously.

18. Board may review, discuss, and take action on American Association of Veterinary State Boards (AAVSB) Call for Nominations.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Ms. Mumford to nominate Dr. Serbin to the American Association of Veterinary State Boards Board of Directors. Motion passed unanimously.

19. Board may review, discuss, and take action on American Association of Veterinary State Boards (AAVSB) Call for Bylaws Amendments.

After discussion and consideration, no action was taken.

20. Board may review, discuss, and take action on 2016 Equal Employment Opportunity report.

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Dr. Serbin to approve the 2016 Equal Employment Opportunity report and policy. Motion passed unanimously.

21. Board may review, discuss, and take action on application for Certified Veterinary Technician application.

a. Megan McElfresh

After discussion and consideration, a motion was made by Dr. Serbin and seconded by Dr. Bertch-Mumaw to request Ms. McElfresh appear before the Board at a future Board meeting. Motion passed unanimously.

22. Board may review, discuss, and take action on National Board of Veterinary Medical Examiners (NBVME) practice analysis survey progress.

Ms. Whitmore discussed the importance of the Board monitoring the NBVME's efforts to keep the North American Veterinary Licensing Exam (NAVLE) current to accurately assess candidates. She also informed the Board that she and Mr. Loughhead will be attending the NBVME Board meeting being held in Scottsdale. They will have a report at a future meeting.

23. Board may review, discuss, and take action on *Celeste Kelly v. Victoria Whitmore, et. al.*, Maricopa County Superior Court Case No. CV2014-091906.

The Board, upon majority vote of a quorum of the members, may hold an Executive Session on this agenda item pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with its attorney in order to consider its position and instruct its attorney regarding its position in this litigation or in settlement discussions conducted in order to avoid or resolve the litigation.

Ms. Krishna updated the Board on the status of the case.

24. Board may review, discuss, and take action on appointment of legislative sub-committee.

After discussion and consideration, Dr. Wright, Mr. Loughead, and Dr. Serbin were appointed to a legislative sub-committee. Ms. Young will serve as an alternate.

25. Board may review, discuss, and take action on 2016 legislative bills related to the agency.

Ms. Whitmore stated that she expected to see a bill related to chiropractic care of animals be introduced this session. More detail will be provided as it is available.

26. Executive Director Report

a. Board membership update

Ms. Whitmore informed the Board that Governor Ducey had appointed two new Board members who will begin serving once confirmed by the Senate. These appointees are Dr. Sarah Heinrich and Ms. Nicole Frost. They will take the positions of Dr. Serbin and Ms. Mumford, respectively. Dr. Bertch-Mumaw was re-appointed to a second term.

b. Investigative Committee update

Ms. Whitmore reported that A.M. Committee member, Dr. Jeff Brown, has retired from the committee. The new chairperson is Dr. Robyn Jaynes.

c. FY17 Budget and Financial update

Ms. Whitmore reviewed the FY16 financials to-date and the monthly performance measures. The FY17 Executive Budget funds the agency's requests but also notes that the building that houses the agency will be sold and the agency will be expected to move downtown once renovations occur at 1740 W. Adams, Phoenix. She noted that it is unknown if ADOA will cover related expenses.

d. Veterinary Health Care Team's Professional Veterinary Staff Certificate Program

Ms. Whitmore shared information about the Arizona Veterinary Medical Association's (AzVMA) new certificate program. The Board expressed concern that some staff and public members may confuse this certificate program with the State's certification of veterinary technicians. Ms. Whitmore was directed to share concerns with AzVMA.

e. Applications/forms improvements

Ms. Whitmore reported that the staff has improved all applications and forms, including creating them as fillable forms, to enhance customer satisfaction and ease of use.

f. Remote testing

Ms. Whitmore discussed results of research conducted into options for offering

remote testing of veterinary applicants. At this time, costs are prohibitive and the agency is unable to pass along the costs to an applicant without a rule change. The Board discussed that this is an extra service that is not necessary at this time, especially in light of the costs involved.

VII. REVIEW AND APPROVAL OF MINUTES

a. October 21, 2015 Regular Session

Pended for a future Board meeting date – quorum of those at that meeting not present today.

b. December 16, 2015 Regular Session

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughhead to approve the December 16, 2015 Regular Session minutes as drafted. Motion passed unanimously.

c. December 16, 2015 Executive Session #1

After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughhead to approve the December 16, 2015 Executive Session #1 minutes as drafted. Motion passed unanimously.

d. December 16, 2015 Executive Session #2

Ms. Young recused. After discussion and consideration, a motion was made by Dr. Bertch-Mumaw and seconded by Mr. Loughhead to approve the December 16, 2015 Executive Session #2 minutes as drafted. Motion passed 6 ayes, 1 recusal.

VII. CONSENT AGENDA

The Board may discuss, consider, and take action on the listed matters. Any item under consent may be removed for independent discussion and action by a Board Member.

A. Approval to take State Veterinary Exam

1. Allred, Giles (E)
2. Berglund, Kimberly (R)
3. Castillo, Analys (R)
4. Haley, Allison (E)
5. Huntley, John (E)
6. Siler, Alexis (R)
7. Stockman, Christopher (R)
8. Brosnahan, Margaret (E)
9. Calaceto, Donald (E)
10. Mena, Fabio (R)
11. Murad, Adele (R)
12. Delano, Crystal (R)

Approval to take the State Veterinary Exam granted.

B. Approval of Veterinary Licenses

1. Bettenhausen, Thomas (E)

Approval of Veterinary Licenses granted.

C. Approval of Certified Veterinary Technician Certificates

1. Valencia, Vanessa

Approval of Certified Veterinary Technician Certificates granted.

D. Approval of Premise Licenses

1. R2590: San Tan Animal Hospital. New Premise. Scott Darger, DVM.
2. R2593: Madison Animal Hospital. New Premise. Jennifer Starkel, DVM.
3. R2594: VCA Valley Animal Hospital of Sahuarita. New Responsible Veterinarian. Lucy Schroth, DVM.
4. R2595: ABC Pet Care Clinic. New Responsible Veterinarian. Alan Sibinic, DVM.
5. R599: North Kenilworth Veterinary Care. New Responsible Veterinarian. Donald Holmes, DVM.
6. R2601: Equine Sports Medicine. New Premise. Josh Donnell, DVM.

D (4) and (5) removed from Consent Agenda.

Approval of Premise Licenses granted.

E. Random Premise Inspections

1. P0004: Nogales Veterinary Clinic. Simon Escalada, DVM.
2. P0355: Sunkist Equine Clinic. Charles Boreson, DVM.
3. R0130: Mesquite Veterinary Hospital. Robert Baker, DVM.
4. R0619: Companion Veterinary Clinic. Roberto Rojas, DVM.
5. R0888: San Cayetano Veterinary Hospital. Walter Horton, DVM.
6. R1336: Chandler-Gilbert Animal Hospital. Angela Caldwell, DVM.
7. R1403: Eye Care for Animals Phoenix. Paul Barrett, DVM.
8. R1460: Larkspur Cat Clinic. Justin Smith, DVM.
9. R1501: Ironwood Animal Hospital. Austin Stitzer, DVM.
10. R1541: Western Animal Hospital. Catalin Petcu, DVM.
11. R1674: Animal Care Center of Green Valley. Daniel Murray, DVM.
12. R1682: Santa Cruz Humane Society. Roberto Rojas, DVM.
13. R2152: Integrative Veterinary Oncology. Anne Hershey, DVM.

E (1) and (10) removed from Consent Agenda.

Approval of Random Premise Inspections granted.

F. Approval of Reinstatement of Certification of Technician

1. Echelberger, Amber
2. Edwards, Robyn
3. Soldati, Aimee

Approval of Certified Veterinary Technician Reinstatement granted.

G. Approval of Temporary Permits

1. Siler, Alexis (R)

Approval of Temporary Permits granted.

H. Approval to take the Certified Veterinary Technician State Exam

1. Gannis, Cassandra
2. Uribe, Alyssa

Approval to take the Certified Veterinary Technician State Exam granted.

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

Items Removed From Consent Agenda

D (4) R2595: ABC Pet Care Clinic. New Responsible Veterinarian. Alan Sibinic, DVM.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the premise license pending inspection and compliance. Motion passed unanimously.

D (5) R2599: North Kenilworth Veterinary Care. New Responsible Veterinarian. Donald Holmes, DVM.

Dr. Bertch-Mumaw recused. After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Hatfield to approve the premise. Motion passed 6 ayes, 1 recusal.

E (1) P0004: Nogales Veterinary Clinic. Simon Escalada, DVM.

E (10) R1541: Western Animal Hospital. Catalin Petcu, DVM.

After discussion and consideration, a motion was made by Ms. Mumford and seconded by Dr. Bertch-Mumaw to approve the premise licenses pending compliance. Motion passed unanimously.

IX. SUMMARY OF CURRENT EVENTS

No current events.

X. CALL TO PUBLIC

No member of the public wished to speak.

XI. ESTABLISHMENT OF FUTURE MEETING DATE

The next regular meeting will be held on February 17, 2016, beginning at 8:30 a.m. at 9535 E. Doubletree Ranch Road, Scottsdale, Arizona, 85258, in the Board Room.

XII. ADJOURNMENT

The meeting adjourned at 2:07p.m.

Respectfully submitted,



Victoria Whitmore, Executive Director