

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF VETERINARY MEDICINE
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

January 22, 2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

State Board of Veterinary Medicine
January 22, 2021

BOARD MEMBERS:

Thomas Garg, V.M.D., Chair
Theodore Stauffer, Executive Secretary, Bureau of
Professional and Occupational Affairs, on behalf
of K. Kalonji Johnson, Commissioner, Bureau of
Professional and Occupational Affairs
Joseph S. Bender, D.V.M.
Anjilla Cooley, D.V.M.
Valerie Kehoe, C.V.T.
Andrew Nebzydoski, V.M.D., Secretary
Apryle Horbal, V.M.D.

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Carolyn A. DeLaurentis, Deputy Chief Counsel,
Prosecution Division
Julia Feld-Caralle, Esquire, Board Prosecutor Liaison
Christopher K. McNally, Esquire, Board Prosecutor
Kimberly S. Adams, Chief of Fiscal Management, Bureau
of Finance and Operations, Department of State
Michelle Roberts, Board Administrator

ALSO PRESENT:

Andrew M. Hoffman, D.V.M., D.V.Sc., D.A.C.V.I.M.,
University of Pennsylvania Veterinary Hospital
Jamie L. Lenzi, Esquire
Erin R. Kawa, Esquire

1 ***

2 State Board of Veterinary Medicine

3 January 22, 2021

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:00 a.m. the Board entered into Executive Session
7 with Thomas Davis, Esquire, for the purpose of
8 conducting quasi-judicial deliberations and to receive
9 advice of Counsel on the matters upon which the Board
10 will later vote. The Board returned to open session
11 at 10:32 a.m.]

12 ***

13 The regularly scheduled meeting of the State Board
14 of Veterinary Medicine was held on Friday, January 22,
15 2021. Andrew Nebzydoski, V.M.D., called the meeting
16 to order at 10:32 a.m. Next, he indicated he no
17 longer wished to serve as Chairperson now that Dr.
18 Garg had returned to the Board. Accordingly, he asked
19 that, as the Board's first order of business, the
20 floor be opened for nominations for the position of
21 Chairperson.

22 ***

23 [Thomas M. Davis, Esquire, Board Counsel noted the
24 meeting was being recorded, and those who remained on
25 the line were giving their consent to being recorded.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Roll Call

[A roll call of Board members was taken by Mr. Davis.]

MR. DAVIS:

Are there any nominations for the
position of Board Chairperson?

MS. KEHOE:

This is Val. [Ms. Kehoe nominated Thomas
Garg, VMD

MR. DAVIS:

We have a nomination from Val. Is there
a second?

DR. COOLEY:

I second, Dr. Cooley.

MR. DAVIS:

Are there any further nominations for the
position of Board Chairperson?

Hearing none, the floor is closed for
nominations for the position of Board
Chairperson. Being that we only have one
person nominated, I do believe we can
elect by acclimation. All in favor say
aye

Very well. Dr. Garg is appointed

1 Board Chairperson as of this date.

2 {The motion carried unanimously.}

3 ***

4 MR. DAVIS:

5 Dr. Garg, we still have an election for
6 secretary.

7 CHAIR GARG:

8 Is there anybody who would like to
9 nominate somebody to that position?

10 DR. BENDER:

11 Joe Bender. I would like to nominate Dr.
12 Andrew Nebzydoski for secretary.

13 MS. HORBAL:

14 Apryle Horbal. I will second that.

15 CHAIR GARG:

16 Is there any discussion or shall we vote
17 as we just did? All in favor, say aye.
18 Any opposed?

19 [The motion carried unanimously.]

20 ***

21 Approval of Minutes of November 13, 2020 meeting.

22 CHAIR GARG:

23 Are there any comments regarding the
24 draft minutes from the last meeting?

25 Would anybody like to make a motion to

1 accept the previous minutes?

2 MS. KEHOE:

3 I make a motion. This is Val Kehoe.

4 DR. NEBZYDOSKI:

5 Second, Andrew Nebzydoski.

6 CHAIR GARG:

7 All in favor say aye.

8 [The motion carried unanimously.]

9 ***

10 Report of Prosecutorial Division

11 [Julia A. Feld-Caralle, Esquire, Board Prosecutor,

12 presented the Consent Agreement for Case Nos. 17-57-

13 09285 and 19-57-003765, Case No. 18-57-02322, and Case

14 No. 18-57-000371.

15 Jamie L. Lenzi, Esquire, Cipriani & Werner,

16 Counsel for the Respondents in Case No. 18-57-02322

17 and Case No. 18-57-000371, was also present for the

18 discussion.]

19 ***

20 [Christopher K. McNally, Esquire, Board Prosecutor,

21 presented the Consent Agreement for Case No. 16-57-

22 07404.

23 Erin R. Kawa, Esquire, Post & Schell, P.C.,

24 Counsel for the Respondent, entered the hearing and

25 was also present for the discussion.]

1 ***

2 [Chair Garg asked Board members if they required
3 another Executive Session before voting on the
4 motions. Board members agreed to continue with
5 voting.]

6 ***

7 CHAIR GARG:

8 Mr. Davis, would you like to lead the
9 voting?

10 MR. DAVIS:

11 Number two on our agenda, Case Nos. 17-
12 57-09284 and Case No. 19-57-003765 [Mr.
13 Davis made a statement discussing how the
14 vote should be recorded in the minutes.

15 Based on the Board's discussions in
16 Executive Session, I believe the Chair
17 would accept the motion to reject as too
18 lenient the Consent Agreement in the
19 following matter: Case No 17-57-09284
20 and 19-57-003765.

21 DR. GARG:

22 Would somebody like to make that motion?

23 DR. HORBAL:

24 Apryle Horbal. I'll make the motion.

25 MS. KEHOE:

1 Val Kehoe. I'll second.

2 DR. GARG:

3 Any further discussion? In that case,
4 we'll vote by roll call.

5

6 Dr. Cooley, aye; Dr. Horbal, aye; Dr.
7 Bender, aye; Ms. Kehoe, aye; Dr. Garg,
8 aye; and Mr. Stauffer, aye.

9 [The motion carried. Dr. Nebzydoski abstained from
10 voting on the motion.]

11

12 MR. DAVIS:

13 Turing to Number Three on the agenda,
14 based on the Board's discussions in
15 Executive Session, I believe the Chair
16 would accept the motion to approve the
17 Consent Agreement in the following
18 matter: Case No. 18-57-02322.

19 DR. BENDER:

20 Joe Bender. I'll make the motion.

21 DR. NEBZYDOSKI:

22 Andy Nebzydoski will second that.

23 DR. GARG:

24 Any further discussion? We'll proceed to
25 roll call.

1 Mr. Stauffer, aye; Dr. Nebzydoski, aye;
2 Dr. Cooley, aye; Dr. Horbal, aye; Dr.
3 Bender, aye; Ms. Kehoe, aye; and Dr.
4 Garg, aye.

5 [The motion carried unanimously. Case No. 18-57-02322
6 is Commonwealth BPOA v. David Francis Meleason,
7 D.V.M.]

8 ***

9 MR. DAVIS:

10 Number four on the agenda, based on the
11 Board's discussions in Executive Session,
12 I believe the Chair would accept a motion
13 to reject as too harsh the Consent
14 Agreement in the following matter: Case
15 No. 18-57-000371.

16 DR. GARG:

17 Would somebody like to make that motion?

18 DR. NEBZYDOSKI:

19 I'll make that motion. Andy Nebzydoski.

20 DR. COOLEY:

21 Anji Cooley, second.

22 DR. GARG:

23 Is there any further discussion? We'll
24 proceed to roll call.

25

1 Mr. Stauffer, aye; Dr. Nebzydoski, aye;
2 Dr. Cooley, aye; Dr. Horbal, aye; Dr.
3 Bender, aye; Ms. Kehoe, aye; and Dr.
4 Garg, aye.

5 [The motion carried unanimously.]

6 ***

7 MR. DAVIS:

8 Number five on the Board's agenda, based
9 on the Board's discussions in Executive
10 Session, I believe the Chair would accept
11 a motion to approve the Consent Agreement
12 in the following matter: Case No. 16-57-
13 07404.

14 DR. BENDER:

15 Joe Bender. Motion to approve.

16 DR. NEBZYDOSKI:

17 Andy Nebzydoski, second.

18 DR. GARG:

19 Any further discussion? Proceed to roll
20 call.

21 Mr. Stauffer, aye; Dr. Nebzydoski, aye;
22 Dr. Cooley, aye; Dr. Horbal, aye; Dr.
23 Bender, aye; Ms. Kehoe, aye; and Dr.
24 Garg, aye.

25 [The motion carried unanimously. Case No. 16-57-07404

1 is Commonwealth BPOA v. Robert E. Rider, D.V.M.]

2 ***

3 Correspondence

4 [Andrew M. Hoffman, D.V.M., D.V.Sc., D.A.C.V.I.M.,
5 University of Pennsylvania Veterinary Hospital,
6 addressed the Board regarding a proposal to include
7 veterinarians as COVID-19 immunizers in Pennsylvania.
8 He noted veterinary practices are present in many
9 underserved rural areas and can bridge the vaccination
10 gap there.

11 Dr. Hoffman noted the proposal included tips on
12 how to provide training. He discussed Pennsylvania
13 Senate Memo 563 by Senator Lisa Boscola and Senator
14 Judy Ward which offers bipartisan support for
15 legislation expanding individuals authorized to
16 provide vaccinations. He asked the Board for their
17 support of the proposal.

18 Attorney Davis cautioned the Board about
19 supporting possible legislation. He noted the role of
20 the Board is limited by the Practice Act and the Board
21 should limit input and opinion.

22 Dr. Hoffman noted that the focus of the proposal
23 is focused on the preventative medicine aspect.

24 Ms. Kehoe stated certified veterinary technicians
25 should be included if the proposal is pursued.

1 Dr. Cooley expressed concern regarding liability
2 if there is a negative physical reaction to the
3 vaccine.

4 Dr. Horbal asked for examples of veterinarian
5 involvement in giving vaccines in other states.

6 Dr. Hoffman noted states such as Colorado and
7 Nevada includes veterinarians in supervised
8 vaccinations and Madison, Wisconsin veterinary
9 students can give vaccines under supervision. He
10 stated Connecticut is considering action.]

11 ***

12 Appointment - Bureau of Finance and Operations
13 [Kimberly S. Adams, Chief of Fiscal Management, Bureau
14 of Finance and Operations, Department of State,
15 addressed licensee population. She noted a licensee
16 count increase from 7,199 in 2016 to 7,705 in 2018
17 with a current count of 8,006 licensees. She noted
18 5,135 licensees are veterinarians and 2,871 are
19 veterinary technicians.

20 Ms. Adams noted revenue by source. She reviewed
21 categories and actual revenue, noting a biennial total
22 with 87.7 percent from renewals.

23 Ms. Adams provided a categorical breakdown of
24 expenses. She noted the current budget and expenses.

25 Ms. Adams reviewed bottom line revenues and

1 expenses for FY 2020-2021. She noted that Board
2 expenses appeared to be exceeding revenues and the
3 Bureau would monitor that.

4 Ms. Adams addressed Board member expenses, noting
5 a current budget with no Board member expenses at the
6 current time. She stated any excess money not used
7 will remain in the restricted account for the Board's
8 use.]

9

10 Appointment - Legal Office

11 [Carolyn DeLaurentis, Esquire, Deputy Chief of
12 Prosecution Division, reviewed some highlights of
13 2020. She noted Prosecution Department staff has
14 successfully handled the challenges telework and
15 virtual hearings. She noted Board prosecutors made
16 efforts to monitor restrictions, waivers, policies and
17 new procedures.

18 Attorney DeLaurentis reported that 225 files were
19 opened in 2020 and closed 208 files. She noted, as of
20 January 1, 2021, the Veterinary Board had 260 files
21 open. She thanked Attorney Tim Smith for working the
22 New Year's weekend to pull the numbers.

23 Attorney DeLaurentis noted the Board's enforcement
24 and disciplinary actions. Numbers from 2020 included
25 31 cases which resulted in discipline, 32 warning

1 letters, 28 cases resulting in fines, 5 five cases
2 resulting in suspensions, 1 auto-suspension, 7
3 reprimands and 3 cases resulting in probation.

4 Attorney DeLaurentis presented overall prosecution
5 information. She noted 44 immediate license
6 suspensions in 2020.

7 Attorney DeLaurentis presented COVID-19
8 complaints. She noted 1,223 COVID-19 cases were
9 opened in 2020, 19 of which were for the Veterinary
10 Board. Attorney DeLaurentis stated that current open
11 cases as January 1 for the entire office was 12,250.
12 Total cases opened in 2020 was 13,394 with total cases
13 closed of 13,274.]

14 ***

15 Commissioner's Report

16 [Mr. Stauffer noted there was no formal report and
17 wished the Board a happy and safe New Year on behalf
18 of Commissioner Johnson.]

19 ***

20 Report of Board Counsel

21 [Thomas Davis, Esquire, Board Counsel, offered an
22 update on regulations. He reminded the Board that, in
23 accordance with Act 53, a list of crimes directly
24 related to the practice of veterinary medicine has
25 been posted to the website.]

1 Attorney Davis addressed the Euthanasia Regulation
2 under 49 Pa. Code, Chapter 31. He noted that work to
3 Act 41 continues and amendments are needed.]

4 ***

5 Miscellaneous

6 [Attorney Davis noted the Prosecution Division
7 withdrew the Order to Show Cause in Case. No. 13-57-
8 11643.]

9 ***

10 MR. DAVIS:

11 There is a Motion to Deem Facts Admitted
12 and Enter Default that was filed the
13 Prosecution Section. Accordingly, Number
14 Eight on the agenda, based on the Board's
15 discussion in Executive Session. I
16 believe the Chair would accept a motion
17 to enter default and deem admitted the
18 facts in the following matter:

19 Commonwealth BPOA v. Angela Anderson,
20 Case Nos. 20-570006679 and 20-57-005152.

21 Is there a motion?

22 DR. NEBZYDOSKI:

23 Andy Nebzydoski.

24 DR. COOLEY:

25 Anji Cooley, second.

1 DR. GARG:

2 Any further discussion? We'll proceed to
3 a roll call vote.

4

5 Mr. Stauffer, aye; Dr. Nebzydoski, aye;
6 Dr. Cooley, aye; Dr. Horbal, aye; Dr.
7 Bender, aye; Ms. Kehoe, aye; and Dr.
8 Garg, aye.

9 [The motion carried unanimously.]

10 ***

11 [Dr. Garg provided meeting dates for the remainder of
12 2021 for the Board's review.]

13 ***

14 [Attorney Davis noted there would be a short
15 informational discussion after the meeting regarding
16 upcoming hearings requiring Board member attendance.]

17 ***

18 DR. GARG:

19 Would somebody like to make a motion to
20 adjourn the meeting?

21 DR. BENDER:

22 Joe Bender. I can make a motion to
23 adjourn.

24 MS. KEHOE:

25 Val Kehoe. I second.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

[There being no further business, The State Board of
Veterinary Medicine meeting adjourned at 12:10 p.m.]

CERTIFICATE

I hereby certify that the foregoing summary
minutes of the State Board of Veterinary Medicine
meeting, was reduced to writing by me or under my
supervision, and that the minutes accurately summarize
the substance of the State Board of Veterinary
Medicine Meeting.



Kelly Gallick,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX
January 22, 2021

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

TIME	AGENDA
10:32	Official Call to Order
10:33	Roll Call
10:35	Adoption of Minutes
10:36	Report of Prosecutorial Division
	Motions
11:24	Correspondence
11:43	Appointments
12:04	Report Of Board Counsel
12:04	Report of Commissioner
12:06	Miscellaneous/Discussion
12:10	Adjournment