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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**

TIME: 10:32 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

May 20, 2022

State Board of Veterinary Medicine  
May 20, 2022

BOARD MEMBERS:

Thomas Garg, V.M.D., Chair  
Arion R. Claggett, Acting Commissioner, Bureau of  
Professional and Occupational Affairs  
Joseph S. Bender D.V.M.  
Anjilla Cooley, D.V.M.  
Apryle Horbal, V.M.D.  
Valerie Kehoe, C.V.T.  
Andrew Nebzydoski, V.M.D., Secretary  
Hilary Vesell, Esquire, Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel  
Peter D. Kovach, Esquire, Senior Prosecutor in Charge  
Julia A. Feld-Caralle, Esquire, Board Prosecution  
Liaison  
Paul J. Jarabeck, Esquire, Senior Board Prosecutor  
Timothy J. Henderson, Esquire, Board Prosecutor  
Michelle Roberts, Board Administrator  
Dean F. Picarella, Esquire, Senior Counsel, Counsel  
Division  
Marc Farrell, Deputy Director, Office of Policy,  
Department of State

ALSO PRESENT:

Natalie Cook, Associate, McNees-Winter Group  
Jennifer Smeltz, Republican Executive Director, Senate  
Consumer Protection & Professional Licensure  
Committee  
Mary Jane McNamee, V.M.D., Chair of the Legislative  
and Regulatory Affairs Committee/Interim Executive  
Director, Pennsylvania Veterinary Medical  
Association  
Andrea Carr, D.V.M., Pennsylvania Veterinary  
Medical Association

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2 State Board of Veterinary Medicine

3 May 20, 2022

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 M. Davis, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations and  
9 to receive advice of Counsel on the matters upon which  
10 the Board will later vote. The Board commenced open  
11 session at 10:30 a.m.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Veterinary Medicine was held on Friday, May  
15 20, 2022. Thomas Garg, V.M.D., Chair, called the  
16 meeting to order at 10:32 a.m.

17 \*\*\*

18 [Thomas M. Davis, Esquire, Board Counsel, noted the  
19 meeting was being recorded, and those who continued to  
20 participate were giving their consent to be recorded.

21 Mr. Davis also informed everyone that the Board  
22 met in Executive Session prior to this meeting for the  
23 purpose of conducting quasi-judicial deliberations and  
24 to receive advice of Counsel on the matters upon which  
25 the Board would later vote.]

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2 Roll Call

3 [A roll call of Board members was taken by Chair  
4 Garg.]

5

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6 Introduction of Attendees

7 [Chair Garg requested an introduction of those in  
8 attendance.]

9

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10 Approval of minutes of the March 18, 2022 meeting

11 CHAIR GARG:

12 The first item we have on the agenda for  
13 today are the minutes for the previous  
14 meeting.

15 Were there any concerns regarding  
16 those, or would somebody like to make a  
17 motion to accept them?

18 DR. NEBZYDOSKI:

19 I'll make the motion to accept them.

20 DR. COOLEY:

21 Second.

22 CHAIR GARG:

23 Any further discussion? I'll call roll.

24

25 Commissioner, aye; Dr. Bender, aye; Dr.

1 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
2 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
3 aye; Dr. Garg, aye.

4 [The motion carried unanimously.]

5 \*\*\*

6 Report of Prosecutorial Division

7 [Thomas Garg, V.M.D., Chair, noted the Board reviewed  
8 the matter on the agenda and waived the report of  
9 prosecution.]

10 MR. DAVIS:

11 Number 2 on the Board's agenda. Based  
12 on the Board's discussions in Executive  
13 Session, I believe the Chair would  
14 accept a motion to approve the Consent  
15 Agreement in the following matter: Case  
16 No. 20-57-012763.

17 CHAIR GARG:

18 Would somebody like to make that motion?

19 DR. NEBZYDOSKI:

20 I'll make that motion.

21 DR. COOLEY:

22 Second.

23 CHAIR GARG:

24 Any further discussion? I'll call roll.

25

1 Commissioner, aye; Dr. Bender, aye; Dr.  
2 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
3 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
4 aye; Dr. Garg, aye.

5 [The motion carried unanimously. Case No. 20-57-  
6 012763 is Commonwealth BPOA v. Ronald O. Schueler,  
7 D.V.M.]

8 \*\*\*

9 Report of Board Counsel - Regulations

10 [Thomas M. Davis, Esquire, Board Counsel, noted the  
11 proposed euthanasia regulation (16A-5726) was  
12 published in the *Pennsylvania Bulletin* on April 2 and  
13 was closed to public comment on May 2, 2022. He  
14 reported receiving two comments funneled through the  
15 Independent Regulatory Review Commission (IRRC).

16 Mr. Davis referred to one of the comments from an  
17 anonymous PA resident that states a veterinarian  
18 should be at least associated with an organization  
19 performing euthanasia tasks from just ensuring proper  
20 methods are being used to being available and on-call  
21 for potential complications that could arise.

22 Mr. Davis stated the second set of comments were  
23 sent by the executive director of the Humane Society  
24 of Harrisburg, on behalf of the Board of Directors for  
25 the Federated Humane Societies of Pennsylvania, where

1 they felt the Department of Agriculture could handle  
2 the initial inspection.

3 Mr. Davis also noted they mentioned § 31.108,  
4 where certificate holders must provide hard copies of  
5 controlled substance logs and invoices for each drug  
6 ordered every 60 days and suggested making it a  
7 retention requirement that mirrors the DEA and allows  
8 for inspection agents at that time. He also noted  
9 they questioned the need for an exhaust fan in the  
10 area for euthanasia and whether it is necessary and  
11 why.

12 Mr. Davis stated IRRC has until June 1, 2022, to  
13 submit their comments, and informed the community  
14 there will be discussion on the euthanasia regulation  
15 at the July 22 meeting.

16 Mr. Davis reported that he is currently drafting  
17 the preamble for the continuing education regulation.  
18 He mentioned the Board voted to promulgate the fees  
19 regulation at the March 18 meeting and is hopeful to  
20 have that completed for the next meeting.]

21

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22 Report of Board Counsel - Adjudications and Orders

23 MR. DAVIS:

24 These items were discussed in Executive  
25 Session. For number 4, based on the

1 Board's discussions in executive  
2 session, I believe the Chair would  
3 accept a motion to approve as final the  
4 draft adjudication and order in the  
5 following matter: Commonwealth BPOA v.  
6 Gracie Johnson, Case No. 19-57-010223.

7 DR. NEBZYDOSKI:

8 I'd like to make that motion.

9 DR. COOLEY:

10 Second.

11 CHAIR GARG:

12 Any further discussion? I'll call roll.

13

14 Commissioner, aye; Dr. Bender, aye; Dr.  
15 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
16 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
17 aye; Dr. Garg, aye.

18 [The motion carried unanimously.]

19

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20 MR. DAVIS:

21 Moving to number 5 on the Board's  
22 agenda. Based on the Board's  
23 discussions in executive session, I  
24 believe the Chair would accept a motion  
25 to approve as final the draft



1 adjudication and order in the following  
2 matter: Commonwealth BPOA v. Karen  
3 Elizabeth Kemp Tiffany, Case No. 18-57-  
4 011622.

5 DR. NEBZYDOSKI:

6 I'll make that motion.

7 DR. COOLEY:

8 Second.

9 CHAIR GARG:

10 I'll call roll.

11

12 Commissioner, aye; Dr. Bender, aye; Dr.  
13 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
14 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
15 aye; Dr. Garg, aye.

16 [The motion carried unanimously.]

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18 MR. DAVIS:

19 Moving to number 6 on the Board's  
20 agenda. Based on the Board's  
21 discussions in executive session, I  
22 believe the Chair would accept a motion  
23 to adopt the proposed adjudication and  
24 substitute the Board's order in the  
25 following matter: Petition for

1 Reinstatement of the License to Practice  
2 Veterinary Medicine of Marion Alexander  
3 Alston III, V.M.D., Case No. 21-57-  
4 013702.

5 DR. NEBZYDOSKI:

6 I'll make that motion.

7 DR. COOLEY:

8 Second.

9 CHAIR GARG:

10 Any further discussion? I'll call roll.

11

12 Commissioner, aye; Dr. Bender, aye; Dr.  
13 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
14 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
15 aye; Dr. Garg, aye.

16 [The motion carried unanimously.]

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18 Report of Board Counsel - Application

19 MR. DAVIS:

20 Moving to number 7 on the Board's  
21 agenda. It's an application matter.  
22 The Application for Licensure by  
23 Reciprocity as a Veterinarian of Rina  
24 Fernandez, D.V.M.

25

Based on the Board's discussions in

1 executive session, I believe the Chair  
2 would accept a motion approving the  
3 application.

4 DR. NEBZYDOSKI:

5 I'll make that motion.

6 DR. COOLEY:

7 Second.

8 CHAIR GARG:

9 Any further discussion? I'll call roll.

10

11 Commissioner, aye; Dr. Bender, aye; Dr.  
12 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
13 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
14 aye; Dr. Garg, aye.

15 [The motion carried unanimously.]

16

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17 Report of Board Counsel - Miscellaneous

18 [Thomas Garg, V.M.D., Chair, invited the Pennsylvania  
19 Veterinary Medical Association (PVMA) representatives  
20 to present PVMA's position statements.

21 Mary Jane McNamee, V.M.D., Chair of the  
22 Legislative and Regulatory Affairs Committee/Interim  
23 Executive Director, Pennsylvania Veterinary Medical  
24 Association, commented that PVMA position statements  
25 are self-explanatory and offered to answer any

1 questions.

2           Chair Garg commented that Board members have had  
3 the opportunity to read the statements. He addressed  
4 the veterinary nursing language, noting the Veterinary  
5 Medicine Practice Act establishes the State Board of  
6 Veterinary Medicine and empowers the Board to adopt  
7 reasonable rules and regulations governing the  
8 practice of veterinary medicine.

9           Chair Garg noted Section 3 of the Act defines  
10 "veterinary technology" and "certified veterinary  
11 technician," and Section 11 states that it is the  
12 responsibility of the Board to promulgate by  
13 regulation qualifications and requirements for the  
14 certification and regulation of veterinary  
15 technicians. He mentioned that the Board utilizes the  
16 language of the Veterinary Medicine Practice Act and  
17 the Act makes no mention of "veterinary nurse" or  
18 "veterinary nursing."

19           Chair Garg informed PVMA that the Board is going  
20 to continue to use the language contained within the  
21 Veterinary Medicine Practice Act and changing the  
22 language would be something that would be taken to the  
23 legislature to consider with regard to the act itself.

24           Chair Garg addressed PVMA's telemedicine position  
25 statement, in which the PVMA opines that a

1 veterinarian-client-patient relationship (VCPR) cannot  
2 be established through telemedicine. He referred to  
3 guidance provided to veterinary practices amid the  
4 COVID-19 pandemic and present on the Board's website  
5 that reads, "the necessity and importance of an in-  
6 person physical examination when establishing a VCPR  
7 cannot be overstated."

8 Chair Garg reported not having much to offer  
9 regarding specific advice at this point but that the  
10 Board appreciated the position statements.

11 Dr. McNamee commented that the guidance, as read  
12 by Chair Garg and found on the Board's website, is in  
13 line with PVMA's position regarding telehealth and the  
14 establishment of the VCPR.

15 She referred to the veterinary nurse initiative,  
16 noting the Board is guiding them toward a legislative  
17 solution but that PVMA is just looking for some sort  
18 of acknowledgement that this is a pertinent issue for  
19 discussion and something the Board has considered and  
20 sees the value of what PVMA is proposing.

21 Chair Garg commented that amending the  
22 regulations to comport with the veterinary nurse  
23 initiative is something the Board has considered, but  
24 the Board will continue to use the language of the  
25 Veterinary Medicine Practice Act, and the Act

1 references "veterinary technology" and "certified  
2 veterinary technicians."

3 Mr. Davis stated the Board has discussed the VCPR  
4 via telemedicine issue, and the veterinary nurse  
5 initiative at several past meetings. He referenced the  
6 PVMA position statements and asked whether they were  
7 available on the PVMA website.

8 Dr. McNamee commented that they would be in the  
9 future.]

10 \*\*\*

11 Report of Board Chair - No Report

12 \*\*\*

13 Report of Acting Commissioner

14 [Arion R. Claggett, Acting Commissioner, Bureau of  
15 Professional and Occupational Affairs, informed Board  
16 members that the Department of State is currently in  
17 the process of replacing the Pennsylvania Licensing  
18 System (PALS) and should have the new system  
19 identified and in place by the end of 2023.

20 Chair Garg requested information regarding what  
21 led to the change.

22 Acting Commissioner Claggett explained that the  
23 Bureau of Professional and Occupational Affairs (BPOA)  
24 staff could turn on renewal periods internally with  
25 the last system ("L2K") but do not have that ability

1 with PALS, which creates delays in processing. He  
2 stated it was more cost effective to replace the  
3 system than continuing all of the development that is  
4 not in PALS.]

5 \*\*\*

6 Report of Board Administrator - No Report

7 \*\*\*

8 FYI Items

9 [Michelle Roberts, Board Administrator, informed Board  
10 members that the American Association of Veterinary  
11 State Boards (AAVSB) Annual Meeting & Conference is  
12 scheduled for September 15-17 in Charlotte, NC, for  
13 anyone interested in attending.]

14 Mr. Davis asked the Board to designate a  
15 delegate, and an alternate delegate. Ms. Kehoe offered  
16 to represent the Board as its delegate, and Dr. Cooley  
17 offered to represent the Board if Ms. Kehoe is  
18 ultimately unable to attend.

19 MR. DAVIS:

20 Based on the Board's discussion in open  
21 session, I believe the Chair would  
22 accept a motion to designate Valerie  
23 Kehoe, C.V.T., as the Board's delegate  
24 and Anjilla Cooley, D.V.M., as the  
25 Board's alternate delegate to the AAVSB

1 Annual Meeting & Conference September  
2 15-17, 2022, in Charlotte, North  
3 Carolina.

4 DR. NEBZYDOSKI:

5 I'd like to make that motion.

6 DR. COOLEY:

7 I second.

8 CHAIR GARG:

9 Any further discussion? I'll call roll.

10

11 Commissioner, aye; Dr. Bender, aye; Dr.  
12 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
13 aye; Dr. Nebzydoski, aye; Ms. Vesell,  
14 aye; Dr. Garg, aye.

15 [The motion carried unanimously.]

16

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17 Upcoming Meeting Dates

18 [Thomas Garg, V.M.D., Chair, reminded Board members of  
19 upcoming meeting dates on July 22, September 16, and  
20 November 4.]

21

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22 Adjournment

23 CHAIR GARG:

24 Who wishes to make a motion to close the  
25 meeting?



1 DR. NEBZYDOSKI:

2 I'll make a motion to adjourn.

3 CHAIR GARG:

4 Our first Teams meeting has been a very  
5 successful one.

6 Thank you everybody. Stay safe. I  
7 look forward to seeing you in a few  
8 months.

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10 [There being no further business, the State Board of  
11 Veterinary Medicine Meeting adjourned at 11 a.m.]

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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.



Amber Garbinski,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

May 20, 2022

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:33	Roll Call
10:34	Approval of Minutes
10:36	Report of Board Prosecution
10:37	Report of Board Counsel
10:45	Miscellaneous
10:52	Report of Acting Commissioner
10:54	FYI Items
10:59	Upcoming Meeting Dates
11:00	Adjournment