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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: 9:08 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

July 12, 2019

1 State Board of Veterinary Medicine
2 July 12, 2019

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5 BOARD MEMBERS:

6
7 Thomas Garg, V.M.D., Chairman
8 K. Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
10 Anjilla Cooley, D.V.M.
11 Apryle Horbal, V.M.D.
12 Valerie Kehoe, C.V.T.
13 Andrew Nebzydoski, V.M.D.

14
15
16 BUREAU PERSONNEL:

17
18 Thomas Davis, Esquire, Board Counsel
19 Julia A. Feld-Caralle, Esquire, Board Prosecution
20 Liaison
21 Christopher K. McNally, Esquire, Board Prosecutor
22 Paul J. Jarabeck, Esquire, Senior Prosecutor in Charge
23 Carolyn A. DeLaurentis, Deputy Chief Counsel,
24 Prosecution Division
25 Marc Farrell, Deputy Policy Director, Department of
26 State
27 Theodore Stauffer, Legal Assistant/Executive
28 Secretary, Bureau of Professional and Occupational
29 Affairs
30 Michelle Roberts, Board Administrator

31
32
33 ALSO PRESENT:

34
35 Bryan Langlois, D.V.M., President, Pennsylvania
36 Veterinary Medical Association
37 John Mayernick IV, Esquire, Artz McCarrie Health Law
38 Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
39 E. Ralph Godfrey Esquire, Cipriani & Werner
40 Jamie L. Lenzi, Esquire, Cipriani & Werner
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1 ***

2 State Board of Veterinary Medicine

3 July 12, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Veterinary Medicine was held on Friday, July
7 12, 2019. Thomas Garg, V.M.D., Chairman, called the
8 meeting to order at 9:08 a.m. K. Kalonji Johnson,
9 Acting Commissioner, Bureau of Professional and
10 Occupational Affairs, was not present at the
11 commencement of the meeting.

12 ***

13 Approval of minutes of the May 10, 2019 meeting

14 CHAIRMAN GARG:

15 The first thing on the agenda this
16 morning is just the minutes from the
17 previous meeting. Did everybody have an
18 opportunity to review them, and are
19 there any questions or any comments?

20 Would somebody like to make a
21 motion to accept the previous minutes?

22 MS. KEHOE:

23 I make a motion.

24 DR. HORBAL:

25 I'll second.

1 CHAIRMAN GARG:

2 Any further discussion? All in favor,
3 say aye.

4 [The motion carried unanimously.]

5 ***

6 Report of Prosecutorial Division

7 [Julia A. Feld-Caralle, Esquire, Board Prosecutor,
8 presented the Consent Agreement for Case No. 16-57-
9 04583. Jamie L. Lenzi, Esquire, counsel for
10 respondent, was also present and participated in the
11 discussion.]

12 ***

13 [Ms. Feld-Caralle, Esquire, Board Prosecutor, on
14 behalf of Kimberly A. Adams, Esquire, Board
15 Prosecutor, presented the Consent Agreement for File
16 No. 16-57-12770. Jamie L. Lenzi, Esquire, counsel for
17 respondent, was also present and participated in the
18 discussion.]

19 ***

20 [Andrew Nebzydoski, V.M.D., exited the meeting at 9:20
21 a.m. for recusal purposes.]

22 ***

23 [Ms. Feld-Caralle, Esquire, Board Prosecutor,
24 presented the Consent Agreement for Case No. 15-57-
25 07955. E. Ralph Godfrey, Esquire, counsel for

1 respondent, was also present and participated in the
2 discussion.]

3 ***

4 [Andrew Nebzydoski, V.M.D., reentered the meeting at
5 9:23 a.m.]

6 ***

7 [Christopher K. McNally, Esquire, Board Prosecutor,
8 presented the Consent Agreement for File No. 16-57-
9 06124.]

10 ***

11 [Paul J. Jarabeck, Esquire, Board Prosecutor,
12 presented the Consent Agreement for File No. 18-57-
13 011496.]

14 ***

15 Prosecutorial Division - Case Status Report
16 Presentation

17 [Carolyn A. DeLaurentis, Esquire, Deputy Chief
18 Counsel, Prosecution Division, introduced herself and
19 provided a brief summary of her professional
20 background.

21 Ms. DeLaurentis provided information for the
22 Pennsylvania State Board of Veterinary Medicine for
23 FY 2018-2019, noting that 225 cases were opened with
24 261 open files as of July 1, 2019. She also provided
25 information regarding enforcement statistics.

1 Ms. DeLaurentis noted 69 immediate temporary
2 suspensions, in general, for the prosecution division
3 in FY 2018-2019 with 11,359 open cases as of July 1,
4 2019. She reviewed the last fiscal year, noting that
5 14,030 cases were opened, which was up from 12,604 the
6 last fiscal year. She noted that 13,270 cases were
7 closed the last fiscal year.

8 Ms. DeLaurentis discussed the Office of General
9 Counsel's Mediation Program, which is free of charge.
10 She stated the consent agreements will reflect whether
11 the case was resolved through mediation.

12 Ms. DeLaurentis addressed the Pennsylvania
13 Justice Network (JNET), where the prosecution division
14 receives an alert when licensees from all of the
15 Boards and Commissions are charged with a crime. She
16 noted that six administrative assistants handle all of
17 the cases coming in to the department. Two
18 administrative assistants are dedicated to JNET to
19 identify arrests that are relevant to each Board.]

20

21 Complaint Process Legal Presentation

22 [Paul J. Jarabeck, Esquire, Senior Prosecutor in
23 Charge, provided a brief slide presentation regarding
24 the complaint process. He stated there are 29
25 professional and occupational Boards to ensure the

1 health, welfare, and safety of the public. Currently,
2 there are about 1.2 million licensees.

3 Mr. Jarabeck referred to Title 63 P.S.
4 Professions and Occupations regarding the vet law.

5 Mr. Jarabeck discussed the Criminal History
6 Records Information Act (CHRIA), where an individual
7 can be subject to penalty due to being convicted of a
8 felony or misdemeanor that relates to their
9 profession.

10 Mr. Jarabeck noted that complaints can come from
11 consumers, anybody within that industry, federal,
12 state, or local agencies. He discussed summaries, the
13 JNET process, and complaints from investigators and
14 inspectors.

15 Mr. Jarabeck addressed self-reporting and Act 6,
16 where an individual must report discipline from
17 another state. He stated JNET will provide reports at
18 the time of the arrest and the report at the time of
19 the conviction.

20 Mr. Jarabeck addressed the intake process, where
21 complaints are received by a staff member in the
22 Professional Compliance Office, and the complaint
23 receives a code that gets registered into the
24 Pennsylvania Licensing System (PALS). He commented,
25 if no jurisdiction is determined, the matter may be

1 closed and a letter sent to inform the complainant.
2 He stated the complainant may be referred to another
3 agency for assistance.]

4 ***

5 [K. Kalonji Johnson, Acting Commissioner, Bureau of
6 Professional and Occupational Affairs, entered the
7 meeting at 9:44 a.m.]

8 ***

9 [Mr. Jarabeck stated complaints receive a file number,
10 Board number, and then a number assigned based upon
11 the time that complaint was actually received. He
12 noted that the complaint then goes to a paralegal to
13 identify what information needs to be gathered as part
14 of an investigation, and an administrative assistant
15 generates a letter advising the complainant that this
16 process is underway.

17 Mr. Jarabeck stated investigators cover four
18 regions of the state, and agents conduct interviews,
19 obtain evidence, and serve subpoenas throughout the
20 Commonwealth. He noted contacts with law enforcement
21 and work with other agencies for faster results.]

22 ***

23 [K. Kalonji Johnson, Acting Commissioner, Bureau of
24 Professional and Occupational Affairs, exited the
25 meeting at 10:02 a.m.]

1 ***

2 [r. Jarabeck noted that approximately 22,000
3 investigations and inspections were completed in 2016
4 by the Bureau of Enforcement and Investigation (BEI).
5 He noted 5,736 cases were opened and 5,823 cases were
6 closed in 2016.

7 Mr. Jarabeck stated the Board of Veterinary
8 Medicine is an expert-driven Board, where a
9 determination cannot be made without the assistance of
10 the expertise of individuals in the field. He stated
11 cases will come before the Board or a hearing examiner
12 for adjudication.

13 Mr. Jarabeck addressed complaints that have been
14 filed anonymously, noting that they can be more
15 difficult based upon their willingness to cooperate.]

16 ***

17 Pennsylvania Veterinary Medical Association

18 Presentation

19 [Bryan Langlois, D.V.M., President, Pennsylvania
20 Veterinary Medical Association, requested the Board
21 allow a certain number of hours of continuing
22 education for mental health and well-being geared
23 toward veterinarians, either at veterinary conferences
24 or online.

25 Dr. Langlois stated mental health issues

1 veterinarians encounter do have a direct impact on the
2 care given to animals and believes the continuing
3 education in mental health and well-being will
4 actually lead to a better standard of care for the
5 animals.

6 Chairman Garg noted the Board's awareness of the
7 issue and consider this in light of the act and
8 whether these programs can actually meet the
9 requirements.

10 Chairman Garg encouraged the Pennsylvania
11 Veterinary Medical Association (PVMA) and all
12 veterinary associations to do anything they can to
13 bring information and assistance to members.]

14 ***

15 Report of Board Chair - No Report

16 ***

17 Report of Acting Commissioner - No Report

18 ***

19 Report of Board Counsel

20 [Thomas Davis, Esquire, Board Counsel, addressed Act
21 41 of 2019, currently labeled as House Bill 1172
22 regarding making it easier for individuals to become
23 licensed in Pennsylvania, especially if they already
24 have licenses in surrounding jurisdictions. He stated
25 House Bill 1172 was signed on July 1, 2019, and will

1 go into effect in 60 days, allowing all licensing
2 Boards under the Bureau of Professional and
3 Occupational Affairs (BPOA) to add licensure by
4 endorsement.

5 Mr. Davis noted Act 41 of 2019 to be similar to
6 licensure by reciprocity. He stated every Board has
7 licensure by reciprocity in their act. He stated
8 licensure by endorsement is now in the act, so how the
9 Boards will promulgate regulations will ultimately
10 effect exactly how the Board is dealing with this act.

11 Mr. Davis stated licensure by reciprocity in
12 accordance with the regulations currently states an
13 applicant must have been actively engaged in clinical
14 practice for the past five years, whereas Act 41
15 requires that they demonstrate competency in a
16 profession proving they had experience in the
17 profession for at least two of the past five years.

18 Mr. Davis commented that the Board will be able
19 to grant licensure to those who fall short and tell
20 them to make up those additional requirements possibly
21 within the next year.

22 Mr. Davis mentioned that the act also states that
23 all of the Boards have to promulgate regulations
24 within 18 months. He noted the possibility of the
25 Board seeing applications by endorsement after the 60

1 days and before the regulations, where the Board will
2 need to tailor specific orders.

3 Mr. Davis noted the American Veterinary Medical
4 Law Association (AVMLA) 25th Continuing Education
5 Annual Meeting August 3-4, 2019, in Washington, D.C.]

6

7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 10:21 a.m. the Board entered into Executive Session
9 with Thomas Davis, Esquire, Board Counsel, for the
10 purpose of conducting quasi-judicial deliberations on
11 a number of matters that are currently pending before
12 the Board and to receive the advice of Counsel. The
13 Board returned to open session at 12:02 p.m.]

14

15 [Ted Stauffer, Legal Assistant/Executive Secretary,
16 Bureau of Professional and Occupational Affairs,
17 entered the meeting at 12:00 p.m. during executive
18 session.]

19

20 MOTIONS

21 MR. DAVIS:

22 Pursuant to Section 708(a)(5) of the
23 Sunshine Act, the Board met in executive
24 session for the purpose of conducting
25 quasi-judicial deliberations and to

1 receive advice of Counsel on the matters
2 upon which the Board is about to vote.

3 CHAIRMAN GARG:

4 On behalf of the Board, I'd like to
5 thank Dr. Langlois for taking the time
6 to present this morning. All of the
7 members of the Board are well aware of
8 the issue and the fact that it is
9 nothing less than a crisis in the
10 veterinary profession.

11 That being said, the Board is
12 required to abide by the Practice Act in
13 determining whether CE could be granted
14 for any given program. The act states
15 that the programs must meet the
16 educational and professional
17 requirements of the profession and that
18 programs must be designed to "keep the
19 members of the profession abreast of
20 current learning and scholarship."

21 The Board has previously stated its
22 belief that wellness programs fail to
23 meet this criteria and that such
24 programs, therefore, cannot be approved
25 for continuing education credits.

1 That being said, we very strongly
2 encourage veterinary associations on the
3 national, state, and local levels to do
4 everything possible in order to work
5 toward addressing this crisis.

6 We would encourage VMA to make
7 appropriate programs prominently
8 available in conjunction with your CE
9 meetings and to regularly communicate
10 with your membership regarding what
11 resources are available for
12 veterinarians in need of assistance.

13 ***

14 MR. DAVIS:

15 Number 2 on the agenda. Based on the
16 Board's discussions in executive
17 session, I believe the Board will
18 entertain a motion to adopt the Consent
19 Agreement at Case No. 16-57-04583.

20 CHAIRMAN GARG:

21 Would somebody like to make that motion?

22 DR. HORBAL:

23 I'll make the motion.

24 MS. KEHOE:

25 I'll second.

1 CHAIRMAN GARG:

2 Any further discussion? All in favor,
3 say aye. All opposed?

4 [The motion carried unanimously.]

5 MR. DAVIS:

6 For the record, that is Commonwealth
7 BPOA vs. Melissa Lynn Voll-Stouffer,
8 VMD.

9 ***

10 MR. DAVIS:

11 Number 3 on the agenda. Based on the
12 Board's discussions in executive
13 session, I believe the Board will
14 entertain a motion to adopt the Consent
15 Agreement at Case No. 15-57-07955.

16 CHAIRMAN GARG:

17 On this matter, one of our Board
18 members, Dr. Nebzydoski, is going to
19 have to recuse himself.

20 Would somebody like to make that
21 motion?

22 DR. HORBAL:

23 I'll make the motion to accept.

24 DR. COOLEY:

25 Second.

1 CHAIRMAN GARG:

2 Any further discussion? All in favor,
3 say aye. Any opposed?

4 [The motion carried. Dr. Andrew Nebzydoski recused
5 himself from deliberations and voting on the motion.]

6 ***

7 MR. DAVIS:

8 For the record, that is Commonwealth
9 BPOA vs. Henry Joseph Nebzydoski, VMD.

10 ***

11 MR. DAVIS:

12 Number 4 on the agenda. Based on the
13 Board's discussions in executive
14 session, I believe the Board will
15 entertain a motion to reject the Consent
16 Agreement at File No. 16-57-12770 as too
17 lenient.

18 CHAIRMAN GARG:

19 Would somebody like to make that motion?

20 DR. NEBZYDOOSKI:

21 I'll make that motion.

22 DR. COOLEY:

23 I'll second.

24 CHAIRMAN GARG:

25 Any further discussion? All in favor,

1 say aye. Any opposed?

2 [The motion carried unanimously.]

3 ***

4 MR. DAVIS:

5 Number 5 on the agenda. Based on the
6 Board's discussions in executive
7 session, I believe the Board will
8 entertain a motion to adopt the Consent
9 Agreement at File No. 16-57-06124.

10 CHAIRMAN GARG:

11 Would somebody like to make that motion?

12 MS. KEHOE:

13 I'll make the motion.

14 DR. NEBZYDOSKI:

15 I'll second.

16 CHAIRMAN GARG:

17 Any further discussion? All in favor,
18 say aye. Any opposed?

19 [The motion carried unanimously.]

20 ***

21 MR. DAVIS:

22 For the record, that is Commonwealth
23 BPOA vs. Brian Keith Byers, VMD.

24 ***

25 MR. DAVIS:

1 and present the same at the next
2 regularly scheduled Board meeting.

3 ***

4 MR. DAVIS:

5 Number 12 on the agenda. Based on the
6 Board's discussions in executive
7 session, I believe the Chair would
8 accept a motion to adopt the proposed
9 adjudication and to direct counsel to
10 issue a Memorandum Order disposing of
11 the exceptions filed in the following
12 matter: Commonwealth BPOA vs. Larry Lee
13 Stefanick, VMD, File No. 15-57-04376.

14 CHAIRMAN GARG:

15 Would somebody like to make that motion?

16 MS. KEHOE:

17 I'll make the motion.

18 DR. COOLEY:

19 Second.

20 CHAIRMAN GARG:

21 Any further discussion? All in favor,
22 say aye. Any opposed?

23 [The motion carried unanimously.]

24 ***

25 MR. DAVIS:

1 Earlier this meeting, I mentioned the
2 meeting that was brought to my
3 attention, the AVMLA 25th Continuing
4 Education Annual Meeting August 3-4,
5 2019, in Washington, D.C. This was
6 brought to my attention by prior Board
7 counsel a few days ago. The Board has
8 had the opportunity to look over the
9 classes that are available at this
10 meeting, and I asked that the Board vote
11 to expend funds to send me to this.

12 If the Board is in favor of doing so,
13 I ask the Chair to accept. If so, the
14 vote is to allow expenditure of Board
15 funds for the registration fee, lodging,
16 and reasonable associated expenses.

17 If you are comfortable with sending
18 me and expending those funds, I ask for
19 the vote. I will mention for the record
20 that the registration fee is \$250.
21 Outside that, it is just going to be
22 reasonable expenses.

23 CHAIRMAN GARG:

24 Would somebody like to make the motion
25 to send him to the meeting and to expend

1 Board funds to do so?

2 DR. HORBAL:

3 I'll make the motion.

4 MS. KEHOE:

5 I'll second.

6 CHAIRMAN GARG:

7 Any further discussion? All in favor,
8 say aye. Any opposed?

9 [The motion carried unanimously.]

10 ***

11 MR. DAVIS:

12 Number 13 on the agenda. The
13 correspondence from the State Board of
14 Chiropractic Chairperson. We received a
15 letter not too long ago from the
16 chairperson at the Board of Chiro.
17 Essentially, to summarize here, he
18 wanted to know if this Board would be
19 interested in having a joint session to
20 somehow discuss some issues surrounding
21 the animal chiropractic issue in the
22 Commonwealth, if such an issue even is
23 something that could be discussed and
24 figured out between the two Boards.

25 I have proposed a response letter,

1 and I will read the entirety of this
2 two-sentence letter into the record.

3 The State Board of Veterinary
4 Medicine is in receipt of your June 7,
5 2019 letter regarding the possibility of
6 scheduling a joint meeting between our
7 two Boards; however, as the issue before
8 us is a matter of law and not one that
9 can be rectified by conducting a joint
10 meeting, we must respectfully decline
11 your invitation.

12 If the Board is comfortable with this
13 letter and the way I phrased the answer,
14 I ask for a vote allowing this to be
15 sent to the Chiro Board in response.

16 DR. NEBZYDOSKI:

17 I'd like to make a motion that we send
18 that letter.

19 MS. KEHOE:

20 I'll second.

21 CHAIRMAN GARG:

22 Any further discussion? All in favor,
23 say aye. Any opposed?

24 [The motion carried unanimously.]

25

1 Miscellaneous

2 [Thomas Garg, V.M.D., Chairman, noted 2019 and 2020
3 Board meeting dates.]

4 ***

5 Adjournment

6 CHAIRMAN GARG:

7 We will adjourn the meeting.

8 DR. NEBZYDOSKI:

9 I'll make a motion to that.

10 DR. HORBAL:

11 I'll second.

12 CHAIRMAN GARG:

13 Thank you.

14 [The motion carried unanimously.]

15 ***

16 [There being no further business, the State Board of
17 Veterinary Medicine Meeting adjourned at 12:12 p.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

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TIME	AGENDA
9:08	Official Call to Order
9:08	Approval of Minutes
9:09	Report of Prosecutorial Division
9:30	Appointment - Carolyn A. DeLaurentis,
9:37	Deputy Chief Counsel, Prosecution Division Presentation
9:37	Appointment - Paul J. Jarabeck, Esquire,
10:04	Prosecuting Attorney
10:05	Bryan Langlois, D.V.M., President,
10:11	Pennsylvania Veterinary Medical Association
10:12	Report of Board Counsel
10:21	Executive Session
12:02	Return to Open Session
12:02	Motions
12:11	Miscellaneous
12:12	Adjournment