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

D R A F T M I N U T E S

MEETING OF:

**STATE BOARD OF VETERINARY MEDICINE
VIA TELECONFERENCE**

TIME: 10:36 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

July 17, 2020

1 State Board of Veterinary Medicine
2 July 17, 2020

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5 BOARD MEMBERS:

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

15
16
17 BUREAU PERSONNEL:

18
19 Thomas M. Davis, Esquire, Board Counsel
20 Julia A. Feld-Caralle, Esquire, Board Prosecution
21 Liaison
22 Peter D. Kovach, Esquire, Senior Prosecutor in Charge
23 Christopher K. McNally, Esquire, Board Prosecutor
24 Dean F. Picarella, Esquire, Senior Counsel
25 Michelle Roberts, Board Administrator
26 Theodore Stauffer, Executive Assistant, Bureau of
27 Professional and Occupational Affairs

28
29
30 ALSO PRESENT:

31
32 Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group
33 Jennifer A. Keeler, CAE, Executive Director,
34 Pennsylvania Veterinary Medical Association
35 Joseph A. Breymeier, Esquire, Naulty, Scaricamazza,
36 & McDevitt, LLC
37 Steven D. Snyder, Esquire, Cipriani & Werner
38 Mark B. Guise, V.M.D., Lockwillow Avenue Animal Clinic
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1 ***

2 State Board of Veterinary Medicine

3 July 17, 2020

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:30 a.m. the Board entered into Executive Session
7 with Thomas Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations.
9 The Board returned to open session at 10:30 a.m.]

10 ***

11 The regularly scheduled meeting of the State
12 Board of Veterinary Medicine was held on Friday, July
13 17, 2020. Thomas Garg, V.M.D., Chairman, called the
14 meeting to order at 10:36 a.m.

15 ***

16 [Thomas Garg, V.M.D., Chairman, announced that Julia
17 Feld-Caralle was not at the Board meeting today due to
18 health issues. He wished her a speedy and complete
19 recovery on behalf of the Board.

20 Chairman Garg introduced Dr. Joe Bender as a new
21 Board member.

22 Dr. Bender provided a brief history of his
23 professional background.

24 Chairman Garg noted the Board was grateful to
25 have Dr. Bender as a member, noting his ability to

1 provide guidance from his knowledge of dairy.]

2 ***

3 [Introduction of Public Members]

4 ***

5 Approval of minutes of the May 8, 2020 meeting

6 CHAIRMAN GARG:

7 Does anybody have any comments or
8 questions regarding the previous
9 minutes?

10 Would anybody like to make a motion
11 to accept those?

12 DR. NEBZYDOSKI:

13 I'll make a motion.

14 MS. KEHOE:

15 I'll second that.

16 CHAIRMAN GARG:

17 Any further discussion? Roll call.

18

19 We will come back and do all of the
20 voting at the end.

21 ***

22 Report of Prosecutorial Division

23 [Christopher K. McNally, Esquire, Board Prosecutor,
24 presented the Consent Agreement for Case No. 19-57-
25 007662.

1 Steven D. Snyder, Esquire, Cipriani & Werner,
2 counsel for the respondent, was present and
3 participated in the discussion regarding Case No. 19-
4 57-007662.]

5 ***
6 [Peter D. Kovach, Esquire, Senior Prosecutor in
7 Charge, presented the Consent Agreement for Case No.
8 17-57-002912.]

9 Joseph A. Breymeier, Esquire, Naulty,
10 Scaricamazza, & McDevitt, LLC, Counsel for Respondent,
11 was present and participated in the discussion.]

12 ***
13 [Peter D. Kovach, Esquire, Senior Prosecutor in
14 Charge, presented the Consent Agreements for Case No.
15 18-57-009902 and Case No. 19-57-002547.]

16 Joseph A. Breymeier, Esquire, Naulty,
17 Scaricamazza, & McDevitt, LLC, Counsel for Respondent,
18 was present and participated in the discussion
19 regarding Case No. 19-57-002547.]

20 ***
21 [Charles J. Hartwell, Esquire, Dethlefs-Pykosh Law
22 Group, Counsel for the Respondent, presented the
23 Adjudication and Order for Case No. 17-57-01301.]

24 ***
25 Report of Board Chair - No Report

1 ***

2 Report of Commissioner - No Report

3 ***

4 Report of Board Counsel

5 [Thomas M. Davis, Esquire, Board Counsel, noted the
6 regulatory status report on the eAgenda. He stated
7 the euthanasia regulation was coming along quite well,
8 noting the annex and preamble are finished. He was
9 hopeful to have the draft to regulatory counsel near
10 the end of July or early August.

11 Mr. Davis addressed Act 41 concerning regulations
12 for licensure by endorsement. He mentioned receiving
13 comments from the Pennsylvania Veterinary Medical
14 Association (PVMA) regarding the exposure draft that
15 was sent out on May 27, 2020.

16 Mr. Davis stated PVMA suggested it to be
17 unnecessary and burdensome to require a veterinarian
18 or a certified veterinary technician (CVT) provide a
19 copy of their current applicable state laws and
20 regulation, suggested clarification of having
21 experience in the profession for at least two years,
22 and suggest no discipline was too harsh.

23 Mr. Davis referred to the comment, where it was
24 unnecessary and burdensome to require a veterinarian
25 or a certified veterinary technicians (CVT) provide a

1 copy of their current applicable state laws and
2 regulations. He noted every Board was being affected
3 by Act 41 with a standard template that all Boards are
4 using.

5 Mr. Davis explained the importance of applicants
6 proving what was required in their home jurisdiction
7 to get licensed because they must be substantially
8 equivalent to those requirements in the commonwealth.
9 He mentioned that it was not the commonwealth's
10 burden, noting how difficult that would be especially
11 with individuals from foreign jurisdictions.

12 Mr. Davis suggested leaving it the way it was in
13 the interest of uniformity.

14 Mr. Davis referred to the request for
15 clarification of having experience in the profession
16 for at least two years. He stated the language was
17 defined as "actively engaged in a clinical practice in
18 that state," and offered to change that to "having
19 experience in a profession for at least two years" to
20 keep it uniform within the Veterinary Board's own
21 regulations.

22 Mr. Davis addressed the comment from PVMA, where
23 no discipline was too harsh. He stated that was
24 directly from a statute, and the Board does not really
25 have the ability to change that. He mentioned the

1 regulation gives the Board discretion to determine
2 that a violation of the section was not an impediment
3 to licensure. He noted, while it says they have not
4 incurred discipline in their own jurisdiction, the
5 Board needs to find out what that discipline is, and
6 the Board has the ability and discretion to waive
7 that.

8 Ms. Kehoe commented that there are a lot of CVTs
9 who work in research or teaching and wanted to make
10 sure reciprocal licensure would be available for those
11 people.

12 Mr. Davis mentioned that Ms. Kehoe may have
13 brought up an argument to not further define "having
14 experience in a profession for at least two years"
15 because having experience in a profession for at least
16 two years was a little more nebulous than "actively
17 engaged in clinical practice."

18 Mr. Davis stated it might make it harder for a
19 CVT in that position to at least think that they could
20 gain licensure through endorsement and would be the
21 Board's argument to keep it as is.

22 Jennifer A. Keeler, CAE, Executive Director,
23 Pennsylvania Veterinary Medical Association, commented
24 that the points made by Mr. Davis are fine and will
25 report back to PVMA.]

1

2 Miscellaneous

3 [Thomas M. Davis, Esquire, Board Counsel, addressed
4 Act 53 of 2020, formerly Senate Bill 637, signed by
5 Governor Wolf on July, 1, 2020. He stated the act
6 requires occupational licensing boards and commissions
7 to apply one common set of rules when considering
8 whether to deny, suspend, or revoke a license on the
9 basis of a criminal conviction.

10 Mr. Davis commented that it will amend the
11 Criminal History Record Information Act known as CHRIA
12 to require the Boards only withhold a license for
13 convictions directly related to the practice of the
14 occupation and that the Boards consider the nature of
15 the offense, the amount of time passed since the
16 conviction, evidence of the applicant's fitness to
17 practice the occupation, and other relevant factors
18 prior to withholding the license.

19 Mr. Davis stated the Boards will have to develop
20 a list of crimes that directly relate to the
21 occupation or profession. He noted the commissioner's
22 office has been tasked with lists of crimes directly
23 related to each Board but was requesting help from the
24 Boards. He stated within the next couple of months
25 the Board will need to provide a list of crimes that

1 would essentially stop someone from becoming a
2 veterinarian.

3 Mr. Davis commented that the Board would have to
4 determine whether the nature of the criminal
5 conviction licensure of the individual would pose a
6 substantial risk in health and safety of the
7 individual's patients or clients for individuals who
8 have a criminal conviction not on the list.

9 Mr. Davis stated the Board may not issues a
10 license if the individual was convicted of a sexual
11 offense. He stated applicants convicted of "crimes of
12 violence" as assigned under Title 42 Pa.C.S. Section
13 9714 may only be granted a license if the crime and
14 the applicant met certain conditions listed under the
15 act.

16 Mr. Davis stated the existing provisions related
17 to felony drug convictions shall only apply to an
18 individual who has been convicted of a drug
19 trafficking offense as defined by the act.

20 Mr. Davis addressed preliminary determinations,
21 where an applicant with a criminal history was unable
22 to determine whether the applicant's criminal history
23 would disqualify the applicant, and they will need to
24 file a petition for preliminary review.

25 Mr. Davis commented that the Department of State

1 must develop a best practices guide for applicants
2 with criminal convictions summarizing certain sections
3 of Act 53 describing what it does.]

4 ***

5 MOTIONS

6 CHAIRMAN GARG:

7 We will jump back to the draft minutes.
8 We previously heard that nobody had any
9 comments, so would anybody like to
10 simply make a motion to accept those?

11 DR. NEBZYDOSKI:

12 I make a motion to accept.

13 DR. COOLEY:

14 Second.

15 CHAIRMAN GARG:

16 Any further discussion? Roll call.

17

18 Dr. Cooley, aye; Dr. Horbal, aye; Ms.
19 Kehoe, aye; Dr. Nebzydoski, aye; and Dr.
20 Garg, aye.

21 [The motion carried. Dr. Bender abstained from voting
22 on the motion.]

23 ***

24 MR. DAVIS:

25 Number 2 on the agenda. Based on the

1 Board's discussions in Executive
2 Session, I believe the chair will
3 entertain a motion to approve the
4 Consent Agreement at Case No. 19-57-
5 007662.

6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. NEBZDOSKI:

9 I make the motion to accept.

10 DR. HORBAL:

11 Second.

12 CHAIRMAN GARG:

13 Roll call.

14

15 Dr. Bender, aye; Dr. Cooley, aye; Dr.
16 Horbal, aye; Ms. Kehoe, aye; Dr.
17 Nebzydoski, aye; and Dr. Garg, aye.

18 [The motion carried unanimously.]

19

20 MR. DAVIS:

21 For the record, that is Commonwealth
22 BPOA v. Holly Fender Samko, D.V.M.

23

24 MR. DAVIS:

25 Number 3 on the agenda. Based on the

1 Board's discussions in Executive
2 Session, I believe the chair would
3 entertain a motion to approve the
4 Consent Agreement at Case No. 17-57-
5 02912.

6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. NEBZDOSKI:

9 I make the motion to accept.

10 MS. KEHOE:

11 I'll second.

12 CHAIRMAN GARG:

13 Any further discussion. Roll call.

14

15 Dr. Bender, aye; Dr. Cooley, aye; Dr.

16 Horbal, aye; Ms. Kehoe, aye; Dr.

17 Nebzydoski, aye; and Dr. Garg, aye.

18 [The motion carried unanimously.]

19

20 MR. DAVIS:

21 For the record, that is Commonwealth

22 BPOA v. Suzanne R. Steeley, D.V.M.]

23

24 MR. DAVIS:

25 Number 4 on the agenda. Based on the

1 Board's discussions in Executive
2 Session, I believe the chair would
3 entertain a motion to approve the
4 Consent Agreement at Case No. 18-57-
5 009902.

6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. BENDER:

9 Motion to accept.

10 DR. HORBAL:

11 I'll second.

12 CHAIRMAN GARG:

13 Any further discussion. Roll call.

14

15 Dr. Bender, aye; Dr. Cooley, aye; Dr.

16 Horbal, aye; Ms. Kehoe, aye; Dr.

17 Nebzydoski, aye; and Dr. Garg, aye.

18 [The motion carried unanimously.]

19

20 MR. DAVIS:

21 For the record, that is Commonwealth

22 BPOA v. Angharad Sarah Morgan, D.V.M.]

23

24 MR. DAVIS:

25 Number 5 on the agenda, Case No. 19-57-

1 002547. Based on the Board's
2 discussions in Executive Session, I
3 believe the chair would entertain a
4 motion to approve the Consent Agreement
5 at Case No. 19-57-002547.

6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. COOLEY:

9 Motion to accept.

10 MS. KEHOE:

11 I second that.

12 CHAIRMAN GARG:

13 Any further discussion. Roll call.

14

15 Dr. Bender, aye; Dr. Cooley, aye; Dr.

16 Horbal, aye; Ms. Kehoe, aye; Dr.

17 Nebzydoski, aye; and Dr. Garg, aye.

18 [The motion carried unanimously.]

19

20 MR. DAVIS:

21 For the record, that is Commonwealth

22 BPOA v. Emily Russo-Moon, D.V.M.]

23

24 MR. DAVIS:

25 Number 7 on the agenda. Based on the

1 Board's discussions in Executive
2 Session, I believe the chair would
3 accept a motion to grant the
4 Commonwealth's Motion to Deem Facts
5 Admitted and issue an Adjudication on
6 the following matter: Commonwealth BPOA
7 v. Ashley Elizabeth Munro, V.M.D., Case
8 No. 17-57-04975.

9 CHAIRMAN GARG:

10 Would somebody like to make that motion?

11 DR. NEBZYDOSKI:

12 I'll make that motion.

13 DR. BENDER:

14 Second.

15 CHAIRMAN GARG:

16 Any further discussion. Roll call.

17

18 Dr. Bender, aye; Dr. Cooley, aye; Dr.

19 Horbal, aye; Ms. Kehoe, aye; Dr.

20 Nebzydoski, aye; and Dr. Garg, aye.

21 [The motion carried unanimously.]

22

23 MR. DAVIS:

24 For the record, counsel will present the

25 Board with a proposed final Adjudication

1 and Order at a future Board meeting.

2 ***

3 MR. DAVIS:

4 Number 9 on the agenda. Based on the
5 Board's discussions in Executive
6 Session, I believe the chair would
7 accept a motion directing Board counsel
8 to draft an Adjudication and Order in
9 Commonwealth BPOA v. Maria Veronica
10 McElwee, D.C., Case No. 17-57-01301.

11 CHAIRMAN GARG:

12 Would somebody like to make that motion?

13 MS. KEHOE:

14 I make the motion.

15 DR. NEBZYDOSKI:

16 Second.

17 CHAIRMAN GARG:

18 Any further discussion. Roll call.

19

20 Dr. Bender, aye; Dr. Cooley, aye; Dr.

21 Horbal, aye; Ms. Kehoe, aye; Dr.

22 Nebzydoski, aye; and Dr. Garg, aye.

23 [The motion carried unanimously.]

24 ***

25 MR. DAVIS:

1 For the record, counsel will present the
2 Board with a proposed order at a future
3 Board meeting.

4 ***

5 MR. DAVIS:

6 Number 10 on the agenda. Based on the
7 Board's discussions in Executive
8 Session, I believe the chair would
9 accept a motion directing Board counsel
10 to draft a final order based on the
11 Board's instruction in Commonwealth BPOA
12 v. Bradley P. MacNeill, D.V.M., Case No.
13 17-57-012355.

14 DR. HORBAL:

15 I'll make the motion.

16 DR. BENDER:

17 Second.

18 CHAIRMAN GARG:

19 Any further discussion. Roll call.

20

21 Dr. Bender, aye; Dr. Cooley, aye; Dr.

22 Horbal, aye; Ms. Kehoe, aye; Dr.

23 Nebzydoski, aye; and Dr. Garg, aye.

24 [The motion carried unanimously.]

25 ***

1 Miscellaneous

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

4 ***

5 Adjournment

6 CHAIRMAN GARG:

7 Would somebody like to make a motion to
8 end the meeting?

9 DR. NEBZYDOSKI:

10 I would like to make a motion to
11 adjourn.

12 DR. COOLEY:

13 Second.

14 CHAIRMAN GARG:

15 Sounds good. Everybody stay safe out
16 there.

17 [The motion carried unanimously.]

18 ***

19 [There being no further business, the State Board of
20 Veterinary Medicine Meeting adjourned at 11:36 a.m.]

21 ***

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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.



Sarah LaMaster,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:36	Official Call to Order
10:38	Introduction of Public Members
10:41	Approval of Minutes
10:42	Report of Prosecutorial Division
11:10	Report of Board Counsel
11:20	Miscellaneous
11:26	Motions
11:35	Miscellaneous (Continued)
11:36	Adjournment