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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: 10:34 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

July 22, 2022

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State Board of Veterinary Medicine
July 22, 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
Julia A. Feld-Caralle, Esquire, Board Prosecution
Liaison
Timothy J. Henderson, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator

ALSO PRESENT:

Amy Kaunas, Esquire, President, Federated Humane
Societies of Pennsylvania,

1 ***

2 State Board of Veterinary Medicine

3 July 22, 2022

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 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
9 and to receive advice of counsel on the matters upon
10 which the Board will later vote. The Board commenced
11 open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Veterinary Medicine was held on Friday, July
15 22, 2022. Thomas Garg, V.M.D., Chair, called the
16 meeting to order at 10:34 a.m.

17 ***

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

22 Mr. Davis also informed everyone that the Board
23 met in Executive Session prior to this meeting for
24 the purpose of conducting quasi-judicial
25 deliberations and to receive advice of counsel on the

1 matters upon which the Board would later vote.]

2 ***

3 Roll Call

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

6 ***

7 Approval of minutes of the May 20, 2022 meeting

8 CHAIR GARG:

9 The first item on the agenda is
10 approval of the minutes from the
11 previous meeting.

12 Did anybody have any comments or
13 concerns with regards to those minutes?

14 Would somebody like to make a
15 motion to accept the minutes?

16 DR. NEBZYDOSKI:

17 I'll make that motion.

18 MS. KEHOE:

19 I'll second.

20 CHAIR GARG:

21 Any further discussion? I'll take a
22 roll vote.

23

24 Commissioner, aye; Dr. Bender, aye; Dr.
25 Cooley, aye; Dr. Horbal, aye; Ms.

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

3 [The motion carried unanimously.]

4 ***

5 Report of Prosecutorial Division

6 [Thomas Garg, V.M.D., Chair, noted the Board reviewed
7 the consent agreements during Executive Session and
8 waived the presentation.]

9 MR. DAVIS:

10 Number 2 on the Board's agenda. Based
11 on the Board's discussions in Executive
12 Session, I believe the chair would
13 accept a motion to approve the Consent
14 Agreement in the following matter:
15 Case No. 20-57-005389.

16 DR. NEBZYDOSKI:

17 I'd like to make that motion.

18 MS. KEHOE:

19 I'll second it.

20 CHAIR GARG:

21 Any further discussion? I'll call
22 roll.

23

24 Commissioner, aye; Dr. Bender, aye; Dr.
25 Cooley, aye; Dr. Horbal, aye; Ms.

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

3 [The motion carried unanimously. Case No. 20-57-
4 005389 is Commonwealth BPOA v. Carole A. Chiaravallo,
5 V.M.D.]

6 ***

7 MR. DAVIS:

8 Number 3 on the Board's agenda. Based
9 on the Board's discussions in Executive
10 Session, I believe the chair would
11 accept a motion to approve the Consent
12 Agreement in the following matter:
13 Case No. 18-57-010298.

14 DR. NEBZYDOSKI:

15 I'll make that motion.

16 MS. KEHOE:

17 I'll second.

18 CHAIR GARG:

19 Any further discussion? I'll call
20 roll.

21
22 Commissioner, aye; Dr. Bender, aye; Dr.
23 Cooley, aye; Dr. Horbal, aye; Ms.
24 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
25 Vesell, aye; Dr. Garg, aye.

1 [The motion carried unanimously. Case No. 18-57-
2 010298 is Commonwealth BPOA v. Karen B. Detweiler,
3 V.M.D.]

4 ***

5 MR. DAVIS:

6 Number 4 on the Board's agenda. I will
7 note Dr. Cooley has recused. Based on
8 the Board's discussions in Executive
9 Session, I believe the chair would
10 accept a motion to approve the Consent
11 Agreement in the following matter:
12 Case No. 20-57-013011.

13 DR. NEBZYDOSKI:

14 I'll make that motion.

15 MS. KEHOE:

16 I'll second.

17 CHAIR GARG:

18 Any further discussion? I'll call
19 roll.

20
21 Commissioner, aye; Dr. Bender, aye; Dr.
22 Cooley, recuse; Dr. Horbal, aye; Ms.
23 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
24 Vesell, aye; Dr. Garg, aye.

25 [The motion carried. Anjilla Cooley recused herself

1 from deliberations and voting on the motion. Case
2 No. 20-57-013011 is Commonwealth BPOA v. Candace D.
3 Carter, D.V.M.]

4 ***

5 MR. DAVIS:

6 Number 5 on the Board's agenda. Both
7 Dr. Garg and Dr. Cooley recused
8 themselves from this matter. Based on
9 the Board's discussions in Executive
10 Session, I believe the chair would
11 accept a motion to approve the Consent
12 Agreement in the following matter:
13 Case No. 20-57-013012.

14 DR. NEBZYDOSKI:

15 I'll make that motion.

16 MS. KEHOE:

17 I'll second.

18 CHAIR GARG:

19 Any further discussion? I'll call
20 roll.

21
22 Commissioner, aye; Dr. Bender, aye; Dr.
23 Cooley, recuse; Dr. Horbal, aye; Ms.
24 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
25 Vesell, aye; Dr. Garg, recuse.

1 [The motion carried. Thomas Garg and Anjilla Cooley
2 recused themselves from deliberations and voting on
3 the motion. Case No. 20-57-013012 is Commonwealth
4 BPOA v. Ronald Dean Hodges, D.V.M.]

5 ***

6 MR. DAVIS:

7 Number 6 on the Board's agenda. Based
8 on the Board's discussions in Executive
9 Session, I believe the chair would
10 accept a motion to approve the Consent
11 Agreement in the following matter:
12 Case No. 19-57-002673.

13 DR. NEBZYDOSKI:

14 I'll make that motion.

15 MS. KEHOE:

16 I'll second.

17 CHAIR GARG:

18 Any further discussion? I'll call
19 roll.

20
21 Commissioner, aye; Dr. Bender, aye; Dr.
22 Cooley, aye; Dr. Horbal, aye; Ms.
23 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
24 Vesell, aye; Dr. Garg, aye.

25 [The motion carried unanimously. Case No. 19-57-

1 002673 is Commonwealth BPOA v. Joseph Ray Scheffen,
2 V.M.D.]

3 ***

4 MR. DAVIS:

5 Number 7 on the Board's agenda. Based
6 on the Board's discussions in Executive
7 Session, I believe the chair would
8 accept a motion to approve the Consent
9 Agreement in the following matter:
10 Case No. 21-57-010937.

11 DR. NEBZYDOSKI:

12 I'll make that motion.

13 MS. KEHOE:

14 I'll second.

15 CHAIR GARG:

16 Any further discussion? I'll call
17 roll.

18
19 Commissioner, aye; Dr. Bender, aye; Dr.
20 Cooley, aye; Dr. Horbal, aye; Ms.
21 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
22 Vesell, aye; Dr. Garg, aye.

23 [The motion carried unanimously. Case No. 21-57-
24 010937 is Commonwealth BPOA v. Amy Parsons d/b/a
25 Canine Creature Comforts.]

1 ***

2 MR. DAVIS:

3 Number 8 on the Board's agenda. Based
4 on the Board's discussions in Executive
5 Session, I believe the chair would
6 accept a motion to reject as too harsh
7 the Consent Agreement in the following
8 matter: Case No. 20-57-013013.

9 DR. NEBZYDOSKI:

10 I'll make that motion.

11 MS. KEHOE:

12 I'll second.

13 CHAIR GARG:

14 Any further discussion? I'll call
15 roll.

16
17 Commissioner, aye; Dr. Bender, aye; Dr.
18 Cooley, aye; Dr. Horbal, aye; Ms.
19 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
20 Vesell, aye; Dr. Garg, aye.

21 [The motion carried unanimously.]

22 ***

23 MR. DAVIS:

24 Number 9 on the Board's agenda. Based
25 on the Board's discussions in Executive

1 Session, I believe the chair would
2 accept a motion to approve the Consent
3 Agreement in the following matter:
4 Case No. 21-57-013716.

5 DR. NEBZYDOSKI:

6 I'll make that motion.

7 MS. KEHOE:

8 I'll second.

9 CHAIR GARG:

10 Any further discussion? I'll call
11 roll.

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

17 [The motion carried unanimously. Case No. 21-57-
18 013716 is BPOA v. Erica Camille McFarland, D.V.M.]

19 ***

20 Report of Board Counsel - Regulations

21 [Thomas M. Davis, Esquire, Board Counsel, referred to
22 the Status of Regulations Report and noted four
23 active regulations.

24 Mr. Davis addressed correspondence received from
25 the chairs of the House and Senate Professional

1 Licensure Committees concerning Act 41. He noted all
2 29 BPOA licensing boards each received a letter in
3 June 2022 urging prompt implementation of regulations
4 under Act 41 of 2019, licensure by endorsement.

5 Mr. Davis stated the Commissioner's Office
6 drafted a response letter on behalf of all 29 boards
7 informing the respective Chairs that the absence of
8 fully promulgated final regulations has not impacted
9 the Board's ability to implement Act 41 and hundreds
10 of licenses by endorsement have been issued under Act
11 41. He mentioned the letter also noted that the
12 Board's rulemaking package had been formally voted on
13 and approved by the State Board of Veterinary
14 Medicine. He noted only two boards have fully
15 implemented regulations under Act 41 at this point.

16 Mr. Davis addressed the proposed annex for 16A-
17 5731 regarding distance continuing education (CE).
18 He noted discussion with Senior Regulatory Counsel
19 since the last meeting who wanted the language of the
20 regulation to more fully align with the language of
21 Act 100 of 2021, which is the regulation that states
22 every board must have regulations discussing distance
23 education.

24 Mr. Davis informed Board members that the updated
25 annex includes new language and had been amended to

1 allow for the language of Act 100. He noted adding a
2 definition for the Registry of Approved Continuing
3 Education (RACE). He added that a licensee may
4 accrue all required hours via distance education at §
5 31.15. He referred to § 31.36, where he wrote,
6 "continuing education and distance education." "A
7 certificate holder may accrue all required hours via
8 distance education." He stated the language as it
9 applies to veterinarians is practically the exact
10 same language as it applies to certified veterinary
11 technicians (CVTs).

12 Chair Garg referred to § 31.15(b), where the
13 Board initially decided to remove the language
14 allowing no more than 25% of CE hours to be earned
15 via distance education, and Chair Garg asked why that
16 plan will no longer suffice. He pointed out that no
17 where in the regulations does the Board say that all
18 CE must be earned in-person, so why must the issue be
19 addressed at all?

20 Mr. Davis stated the COVID emergency and Act 100
21 has forced everyone to take a second look at distance
22 education, which has become a lot more reliable and
23 accepted. He said Act 100 requires that each
24 licensing board establish rules and regulations for
25 continuing education that provides for distance

1 education. Accordingly he says that Act 100 requires
2 an affirmative statement informing licensees as to
3 how many hours of distance education may be obtained.

4 Mr. Davis addressed an email from an individual
5 in the regulatory community asking why the National
6 Association of Veterinary Technicians in America
7 (NAVTA) is not included as a preapproved provider for
8 continuing education and asked whether anyone wanted
9 to add NAVTA to the list of preapproved providers for
10 CVTs. He explained that any continuing education
11 produced by NAVTA or approved by NAVTA would
12 automatically be approved by the Board because NAVTA
13 itself would be a preapproved provider for continuing
14 education. He referred to § 31.40 and read the list
15 of preapproved providers.

16 Mr. Davis commented that they have allied
17 organizations of the American Veterinary Medical
18 Association (AVMA) but could not find any reference
19 on NAVTA's website to AVMA, so he does not believe
20 they are allied with AVMA.

21 Ms. Kehoe explained that NVTA is not allied with
22 AVMA, and suggested NAVTA be included as its own
23 listing.]

24 ***

25 MR. DAVIS:

1 After review of the draft annex and
2 preamble for proposed regulation 16A-
3 5731, which is the proposed distance CE
4 regulation, based on the Board's
5 discussions in open session, I believe
6 the chair would accept a motion to
7 direct counsel to add NAVTA to the
8 proposed regulation's list of
9 preapproved providers of continuing
10 education for CVTs and, after adding
11 NAVTA, authorizing counsel to
12 promulgate the proposed regulation,
13 which is 16A-5731 distance CE, through
14 the regulatory review process.

15 Are there any questions on that
16 motion or does anyone think we should
17 have it worded differently?

18 CHAIR GARG:

19 Does doing this as you just said, in
20 any way slow down the process of moving
21 this regulation through the normal flow
22 of things?

23 MR. DAVIS:

24 That's why I made it kind of convoluted
25 and multifaceted, because what I could

1 do to make it more straight forward is
2 direct Counsel to add NAVTA, and at the
3 next meeting, we could review that and
4 vote to promulgate. What I am looking
5 to do, adding NAVTA is, in my
6 estimation is very simple. We could in
7 one swoop add NAVTA and vote to
8 promulgate.

9 DR. NEBZYDOSKI:

10 I would indeed like to make that motion
11 to move forward as you suggested, Tom.

12 MS. KEHOE:

13 I second.

14 CHAIR GARG:

15 Any further discussion? I'll call
16 roll.

17
18 Commissioner, aye; Dr. Bender, aye; Dr.
19 Cooley, aye; Dr. Horbal, aye; Ms.
20 Kehoe, aye; Dr. Nebzydoski, aye; Ms.
21 Vesell, aye; Dr. Garg, aye.

22 [The motion carried unanimously.]

23 ***

24 Report of Board Counsel - Regulations

25 [Thomas M. Davis, Esquire, Board Counsel, informed

1 Board members that he is still drafting the RAF on
2 the fee regulation.

3 Mr. Davis addressed the proposed euthanasia
4 regulations. He noted prior Board discussion and
5 comments were received from the regulated community.

6 He noted also receiving comments from the
7 Independent Regulatory Review Commission (IRRC) since
8 the last meeting, and suggested that each comment
9 received be discussed on the record.

10 Mr. Davis noted the first comment from an
11 anonymous individual, where a veterinarian should at
12 least be associated with an organization to ensure
13 proper methods and to be available for complications.
14 He noted a statute called the Animal Destruction
15 Method Authorization Law (ADMAL), which changes a few
16 of the ways and methods that euthanasia may be
17 handled in the Commonwealth of Pennsylvania. He
18 stated the Board has two classes of licensure, one is
19 animal protection organizations that want to purchase
20 and possess drugs for euthanasia, and the other class
21 of licensure is euthanasia technicians, ADMAL directs
22 the Board to promulgate regulations relating to both
23 Animal Protection Officers (APOs) and the euthanasia
24 technicians.

25 Mr. Davis believed the comment is asking that a

1 veterinarian at least be associated with an
2 organization to ensure proper methods and to be
3 available for complications. He noted the Board has
4 the ability to make that a requirement for the
5 organizations.

6 Chair Garg stated the change would not be
7 consistent with the act because the whole reason the
8 act came into existence was to go allow organizations
9 to legally obtain medications that were necessary
10 without the association of a veterinarian because
11 they were facing problems being able to identify
12 veterinarians who wished to be associated with the
13 organizations. He explained that if they always had
14 a veterinarian available to them, then essentially
15 all of this could happen under the supervision of
16 that veterinarian and none of this would be
17 necessary.

18 Mr. Davis noted comments from an individual on
19 behalf of the Board of Directors of a Humane Society
20 in Pennsylvania regarding Section 106(d) initial
21 inspection. He noted that one of the things the APOs
22 have to do is before they could become a registered
23 APO is they have to allow an agent of the Board to
24 enter the facility and do an initial inspection, and
25 the comment asked whether it could be done by the

1 Department of Agriculture during their regular
2 inspection process.

3 Mr. Davis noted ADMAL does contemplate the Vet
4 Board may enter into a memorandum of understanding
5 with the Department of Agriculture and allowing the
6 department to act as its authorized agent for the
7 limited purpose of inspecting and monitoring animal
8 protection organizations and persons to euthanize
9 animals on behalf of animal protection organizations,
10 for compliance with the regulations.

11 Mr. Davis commented that in the interest of not
12 increasing the Board's fees it might be good to allow
13 the Department of Agriculture do this and said he
14 would contact the Department of Agriculture. He
15 stated the Board would probably provide a checklist
16 to the inspectors for the Department of Agriculture.

17 Dr. Nebzydoski noted that the Department of
18 Agriculture has a long list of accredited
19 veterinarians and could encourage accredited
20 veterinarians to do those kind of inspections, but it
21 would be up to that organization and the veterinarian
22 working out the charge between them.

23 Mr. Davis informed Board members that he would
24 contact the Department of Agriculture between now and
25 the next meeting and may have someone from the

1 Department of Agriculture attend the next meeting.

2 Mr. Davis referred to a comment regarding Section
3 108 concerning hard copies of drug logs being
4 provided to the Board every 60 days, and suggesting
5 the Board mirror the requirement of the Drug
6 Enforcement Administration (DEA), which is that the
7 log be kept and DEA agents could stop in to inspect
8 the log.

9 Chair Garg suggested having the person at the
10 organization be required to audit it and submit some
11 form attesting to the fact that they had audited it
12 and be responsible for the accuracy from that point
13 forward.

14 Chair Garg stated the person would have some
15 incentive to make certain things were correct and
16 something to drive them to actually pay attention, so
17 the person would be immediately made aware of any
18 irregularities. He noted there is a definition
19 within the regulations of the person who is
20 ultimately responsible for everything at the
21 organization and would probably just make it that
22 person who is responsible.

23 Mr. Davis stated the individual is currently
24 required to undergo the didactic portion of the
25 euthanasia technician course and asked whether Board

1 members thought it would be sufficient for this
2 person to certify that all drugs are accounted for
3 every 90 days, and the Board agreed.

4 Mr. Davis referred to a comment regarding Section
5 109, noting one of the requirements of the room for
6 euthanasia is that it have an exhaust fan, which will
7 require some animal protection organizations to
8 install a fan, which would be an added expense.

9 Dr. Nebzydoski commented that simply requiring
10 "adequate ventilation" is enough.

11 Mr. Davis agreed based on the fact that including
12 something that increases the costs of the licensee is
13 always going to be heavily scrutinized and believed
14 that something as simple as "adequate ventilation"
15 would be easier to get through IRRC.

16 Amy Kaunas, Esquire, President, Federated Humane
17 Societies of Pennsylvania, addressed the inspection
18 comment with respect to the Department of
19 Agriculture, noting that the Department of
20 Agriculture is in their facilities and are required
21 to do inspections already. She commented that in the
22 review of what is required, the inspection is almost
23 a checklist of items which she believed the
24 individuals who work for the Department of
25 Agriculture could absolutely review for the Board.

1 Ms. Kaunas mentioned being thankful for the
2 dialogue concerning the hard copies of drugs, noting
3 it to be very burdensome to make a ton of photocopies
4 and mail something in simply for it to be put in a
5 file.

6 Ms. Kaunas stated that adequate ventilation is
7 necessary and needed but that they perform euthanasia
8 for their own residents and do owner-requested
9 euthanasia but do not have an exhaust fan for any of
10 the rooms. She believed the specific requirement of
11 an exhaust fan might be unnecessary.

12 Mr. Davis asked Ms. Kaunas to provide her opinion
13 of having a responsible person certify every 90 days
14 or so that all drugs are present and accounted for.

15 Ms. Kaunas stated any executive director is
16 making sure that is already being done. She
17 commented that she is three or four parties removed
18 from what happens in the veterinary center, so the
19 director of veterinary services is hands-on and doing
20 the audit. She noted the importance of making sure
21 the person who is signing is fully aware of what they
22 are doing and the consequences of not doing it
23 correctly.

24 Mr. Davis suggested having a certification form
25 signed by both the individual who did the count and

1 the individual who is the executive director.

2 Mr. Davis referred to a comment from IRRC
3 regarding Section 102, where the word "generally" is
4 non-regulatory. He agreed and would look into
5 clarifying that.

6 Mr. Davis referred to questions and comments
7 regarding fees under Section 104, where euthanasia
8 technicians who would not be making a lot of money
9 would be required to submit a form to the Board and a
10 fee every time they change employer. He noted the
11 Bureau of Finance and Operations (BFO) suggested \$81
12 for the fee. He suggested requiring the director of
13 operations to the registered animal organizations
14 inform the Board of any employment changes, and this
15 could possibly be done at no added cost. He
16 mentioned getting rid of the application for
17 employment change and just make it a form that would
18 be provided to the Board from registered animal
19 organizations when there is an employment change, and
20 the Board agreed.

21 Mr. Davis referred a comment regarding
22 registration of APOs under Section 106 asking why
23 require an unlicensed employee to complete the
24 didactic portion of the euthanasia technician.

25 Chair Garg mentioned being fine with the

1 regulation the way it is if it can be approved by
2 IRRC but no being okay with the idea of saying they
3 cannot require them to have this knowledge. He
4 commented that if the regulation cannot pass as is,
5 he would suggest the supervisor has to be a licensed
6 euthanasia technician.

7 Mr. Davis believed the regulation would pass as
8 is.

9 Mr. Davis noted a question asking how the Board
10 determined that 12 months is a reasonable time for an
11 application to remain active. He explained that is
12 the Bureau of Professional and Occupational Affairs
13 (BPOA) standard and suggested the Board stick with
14 that.

15 Mr. Davis referred to Section 107, assessing and
16 administering drugs, where a registered APO may not
17 possess drugs other than drugs for euthanasia, but
18 does not prohibit an animal protection organization
19 that employs staff veterinarians from possessing. He
20 mentioned including in the preamble that this would
21 not negatively impact organizations that have a staff
22 veterinarian on hand and when that veterinarian is
23 the one technically in possession of those drugs, the
24 veterinarian should be able to still obtain drugs that
25 are not for euthanasia.

1 Chair Garg commented that the entire regulation
2 is about the organizations themselves and their
3 ability to do things without veterinarians. He asked
4 why anything needs to be in the preamble about the
5 practice of veterinary medicine if they were not
6 creating a regulation that has any impact on the
7 practice of veterinary medicine by veterinarians.

8 Mr. Davis noted he would try to delete that
9 section from the preamble. He said it is not
10 something that must be addressed.

11 Mr. Davis referred to Section 108, where a
12 registered APO must assess whether a licensed
13 euthanasia technician is currently competent. He
14 noted that if this person is licensed, then that is
15 the way to determine whether they are clinically
16 competent, and it is odd to say that the registered
17 APO must determine whether or not the individual is
18 clinically competent.

19 Mr. Davis suggested changing it, where the animal
20 protection organizations must report to the Board if
21 they have reason to believe that a euthanasia
22 technician is no longer clinically competent.

23 Chair Garg commented that it is not unreasonable
24 to say that part of the supervisory responsibility of
25 the person who is the responsible party in the

1 organization is to report euthanasia technicians who
2 they suspect might not be clinically competent and
3 then the Board or whoever could investigate that.

4 Mr. Davis referred to Section 108. He noted
5 discussion about adding procedures when an APO
6 changes physical locations or makes significant
7 changes to the area for euthanasia. He believed they
8 are questioning what constitutes the change in
9 physical location for significant change to the area
10 used for euthanasia.

11 Chair Garg noted they are stating that
12 notification of changes does not seem to correspond
13 with the procedures for registration of an animal
14 protection organization and asked the Board to revise
15 the regulations to add procedures for when an
16 organization makes significant changes to its
17 locations or makes changes to the area used for
18 euthanasia.

19 Mr. Davis requested more time to figure out the
20 way to respond.

21 Mr. Davis referred to Section 109, where there is
22 no time frame in which drug disposal documentation is
23 sent to the Board. He offered to look at what
24 similar boards are doing for a time frame and propose
25 a time frame.

1 Mr. Davis referred to Section 114 regarding
2 grounds for refusal and mentions discipline and talks
3 about agents of the Department of Agriculture. He
4 noted he would talk to the Department of Agriculture.

5 Mr. Davis referred to Section 115, where the
6 regulation says "may" and should say "shall" and
7 would make that change.

8 Mr. Davis referred to Section 122 regarding
9 qualifications of licensure, where the comment
10 suggests those who are going to be adding and
11 subtracting and trying to figure out correct doses
12 should have a high school diploma or equivalent, and
13 the Board agreed.

14 Mr. Davis referred to Section 123 regarding
15 euthanasia technician educational programs to revise
16 the curriculum to include knowledge of the
17 Commonwealth of Pennsylvania statutes and regulations
18 related to euthanasia. He stated some categories of
19 licensure require that applicants complete both a
20 jurisprudence examination and a national exam.

21 Mr. Davis did not think the Board needed to come
22 up with a separate jurisprudence examination to
23 demonstrate knowledge of the Commonwealth of
24 Pennsylvania's statutes and regulations regarding
25 euthanasia, but he would look into it.

1 Chair Garg commented that he did not think there
2 is any possible way that they could count on those
3 courses to teach Pennsylvania statutes and
4 regulations related to euthanasia. He asked how they
5 would come up with a test and who would evaluate a
6 test.

7 Mr. Davis suggested tabling the discussion. He
8 mentioned that it might be something as simple as
9 certifying that they have been provided with the law
10 and regulations.

11 Chair Garg commented that this part has nothing
12 to do with their actual competency and is part of the
13 courses they are required to take. He noted it to be
14 more of a formality that they are aware of the actual
15 laws and regulations they are obliged to follow and
16 does not think it has anywhere near the same
17 consequence as the courses.

18 Mr. Davis informed Board members that all of the
19 other comments have to do with things that relate to
20 administrative matters, where they want more
21 information in the economic fiscal impact section and
22 things like that.

23 Mr. Davis referred to Sections 127(b)(6) and
24 128(e) regarding different tests for confirming
25 death. He noted 127(b)(6) says examination and

1 establishment of the absence of heartbeat and
2 respirations and lack of corneal and pupillary
3 reflexes before the disposal of the body, whereas
4 128(e) says death shall be confirmed by the cessation
5 of all vital signs.

6 Chair Garg commented that he would go with the
7 first one, and Board members agreed.

8 Mr. Davis noted IRRC wants the following phrase
9 added to 113 and 126(b), which is the phrase "except
10 for an initial certification and registration issued
11 at any time after June 1 of an even numbered year..."

12 Mr. Davis referred to a question from a
13 representative of the DEA asking whether a
14 registration holder would obtain their stock of
15 controlled substances from a commercial source or a
16 government source of supply.

17 Chair Garg noted that he was unaware that there
18 was a government source and has every expectation
19 that they are talking about a commercial source of
20 drugs.

21 Mr. Davis commented that they have the duty to
22 inform the House Professional Licensure Committee of
23 any comments received and would inform the Board of
24 any more comments between now and next time for
25 discussion.

1 Chair Garg asked what happens after the comment
2 period and revisions.

3 Mr. Davis explained that the Board put out the
4 proposed regulations and received comments and then
5 they have to inform the Attorney General, Office of
6 General Counsel, House Professional Licensure
7 Committee, IRRC, and a few others of comments
8 received and how they dealt with those comments.

9 Mr. Davis addressed a comment from the House
10 Professional Licensure Committee regarding Sections
11 109(f) and 112(c)(1) and (e)(3). He noted the
12 sections reference hard copy records of euthanasia
13 drugs, such as a controlled substance log and a
14 master log. He stated the committee is seeking
15 clarification as to why records documenting
16 euthanasia drugs, their purchase, receipt, use,
17 inventory, and/or disposal must be kept in a hard
18 copy and is recommending the Board consider allowing
19 digital records to be permissible, especially in
20 light of requiring certificate holders to provide
21 reports every 60 days and having records maintained
22 in a readily retrievable file.

23 Chair Garg commented that they never should have
24 said they had to be hard copies and should not do
25 that. He noted the best controlled substance systems

1 are electronic systems.

2 Chair Garg asked how long it would be until they
3 actually get the regulation done.

4 Mr. Davis explained the final regulation must be
5 published within the next two years, but it will
6 hopefully not take nearly that long. He noted the
7 importance of covering all of the comments and
8 allowing everyone enough time to attend the meetings
9 to make sure their voice is heard.]

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, notified
16 everyone of in-person Board member training on
17 October 24, 2022, from 8 a.m. to 4 p.m. in
18 Harrisburg. He noted the training is mandatory for
19 public members but also encouraged professional
20 members to attend. He mentioned that some of the
21 items include the role of the Board, Board Counsel,
22 prosecution, governmental affairs, and BFO.]

23 ***

24 Report of Board Administrator

25 [Michelle Roberts, Board Administrator, noted the

1 proposed 2023 meeting dates for the Board's review.]

2 ***

3 Upcoming Meeting Dates

4 [Thomas Garg, V.M.D., Chair, reminded Board members
5 of upcoming meeting dates.]

6 ***

7 Miscellaneous

8 [Valerie Kehoe, C.V.T., requested any updates on
9 reappointments that are sitting at the Governor's
10 Office.]

11 Acting Commissioner offered to contact the
12 Governor's Office after the meeting for another
13 update and follow up with Ms. Kehoe and Dr. Horbal.]

14 ***

15 Adjournment

16 CHAIR GARG:

17 Does somebody want to make a motion to
18 close the meeting?

19 DR. NEBZYDOSKI:

20 I will make a motion to close the
21 meeting.

22 MS. KEHOE:

23 I will second.

24 CHAIR GARG:

25 Everybody be safe. We'll see you in a

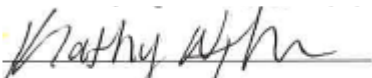
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few months.

[There being no further business, the State Board of
Veterinary Medicine Meeting adjourned at 12:30 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.


Kathryn Witherow,

Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:34	Roll Call
10:35	Approval of Minutes
10:36	Report of Board Prosecution
10:45	Report of Board Counsel
12:20	Report of Acting Commissioner
12:22	Report of Board Administrator
12:25	Upcoming Meeting Dates
12:26	Miscellaneous
12:30	Adjournment