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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  
VIA VIDEOCONFERENCE**

TIME: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

July 23, 2021

1                   State Board of Veterinary Medicine  
2                                   July 23, 2021  
3  
4

5 BOARD MEMBERS:  
6

7 Thomas Garg, V.M.D., Chair  
8 K. Kalonji Johnson, Commissioner, Bureau of  
9 Professional and Occupational Affairs  
10 Joseph S. 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., Secretary  
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 David N. Smith, Esquire, Board Prosecutor  
24 Timothy J. Henderson, Esquire, Board Prosecutor  
25 Michelle Roberts, Board Administrator  
26  
27

28 ALSO PRESENT:  
29

30 Jamie L. Lenzi, Esquire, Cipriani & Werner  
31 Faye Riva Cohen, Esquire, Law Office of Faye Riva  
32 Cohen  
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2 State Board of Veterinary Medicine

3 July 23, 2021

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 8:30 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 from counsel on the matters upon  
10 which the Board will later vote. The Board returned  
11 to 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 23, 2021. Thomas Garg, V.M.D., Chair, called the  
16 meeting to order at 10:31 a.m.

17 K. Kalonji Johnson, Commissioner, Bureau of  
18 Professional and Occupational Affairs, was not present  
19 during commencement of the meeting.

20 \*\*\*

21 Meeting Instructions

22 [Michelle Roberts, Board Administrator, provided  
23 instructions to be followed during the virtual  
24 meeting.]

25 \*\*\*

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

4 Mr. Davis also informed everyone that the Board  
5 met in Executive Session prior to today's meeting for  
6 the purpose of conducting quasi-judicial deliberations  
7 and to receive advice of counsel.]

8 \*\*\*

9 Approval of minutes of the May 21, 2021 meeting

10 CHAIR GARG:

11 The first item on our agenda for today  
12 is going to be the draft minutes from  
13 the previous meeting.

14 Did everybody get an opportunity to  
15 go ahead and review those, and are there  
16 any concerns or corrections to those  
17 minutes?

18 Would somebody like to make a  
19 motion to accept the previous minutes?

20 DR. NEBZYDOSKI:

21 I'll make that motion.

22 MS. KEHOE:

23 I'll second.

24 CHAIR GARG:

25 I'll go ahead and read roll.

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Dr. Bender, aye; Dr. Cooley, aye; Dr.  
Horbal, aye; Ms. Kehoe, aye; and Dr.  
Garg, aye.

[The motion carried unanimously.]

\*\*\*

Report of Prosecutorial Division

[Julia A. Feld-Caralle, Esquire, Board Prosecution  
Liaison, presented the Consent Agreement for Case No.  
18-57-012502.

Jamie L. Lenzi, Esquire, Cipriani & Werner,  
Counsel for Respondent, was present and participated  
in the discussion.]

\*\*\*

[Julia A. Feld-Caralle, Esquire, Board Prosecution  
Liaison, presented the Consent Agreement for Case No.  
17-57-08429.

Jamie L. Lenzi, Esquire, Cipriani & Werner,  
Counsel for Respondent, was present and participated  
in the discussion.]

\*\*\*

[Julia A. Feld-Caralle, Esquire, Board Prosecution  
Liaison, presented the Consent Agreement for Case No.  
19-57-012573.

Faye Riva Cohen, Esquire, Law Office of Faye Riva

1 Cohen, Counsel for Respondent, was present.]

2 \*\*\*

3 [David N. Smith, Esquire, Board Prosecutor, presented  
4 the Consent Agreement for Case No. 15-57-11242.]

5 \*\*\*

6 [Timothy J. Henderson, Esquire, Board Prosecutor,  
7 presented the Consent Agreement for Case Nos. 20-57-  
8 012908 and 20-57-013747.

9 \*\*\*

10 [Peter D. Kovach, Esquire, Board Prosecutor, presented  
11 the Consent Agreement for Case No. 19-57-007666.

12 Jamie L. Lenzi, Esquire, Cipriani & Werner,  
13 Counsel for Respondent, was present and participated  
14 in the discussion.]

15 \*\*\*

16 [Thomas M. Davis, Esquire, Board Counsel, asked Board  
17 members whether anyone wished to reenter Executive  
18 Session to further discuss any of the consent  
19 agreements that were presented.]

20 MR. DAVIS:

21 Number 2 on the agenda. Based on the  
22 Board's discussions in Executive  
23 Session, I believe the Chair would  
24 accept a motion to reject as too harsh  
25 the Consent Agreement in the following

1 matter: Case No. 18-57-012502.

2 DR. BENDER:

3 I'll make the motion.

4 DR. COOLEY:

5 Second.

6 CHAIR GARG:

7 Any further discussion? I'm going to  
8 read the roll.

9

10 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
11 Horbal, aye; Ms. Kehoe, aye; Dr.  
12 Nebzydoski, aye; and Dr. Garg, aye.

13 [The motion carried unanimously.]

14

\*\*\*

15 MR. DAVIS:

16 Number 3 on the agenda. Based on the  
17 Board's discussions in Executive  
18 Session, I believe the Chair would  
19 accept a motion to approve the Consent  
20 Agreement in the following matter: Case  
21 No. 17-57-08429.

22 DR. NEBZYDOSKI:

23 I'll make that motion.

24 MS. KEHOE:

25 I'll second.

1 CHAIR GARG:

2 Any further discussion? I'll read the  
3 roll.

4

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

8 [The motion carried unanimously. Commonwealth BPOA v.  
9 Steven Harry Gross, V.M.D.]

10 \*\*\*

11 MR. DAVIS:

12 Number 4 on the Board's agenda. Based  
13 on the Board's discussions in Executive  
14 Session, I believe the Chair would  
15 accept a motion to approve the Consent  
16 Agreement in the following matter: Case  
17 No. 19-57-012573.

18 DR. BENDER:

19 I'll make the motion.

20 DR. COOLEY:

21 I'll second.

22 CHAIR GARG:

23 Any further discussion? I'll read the  
24 roll.

25



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

4 [The motion carried unanimously. Commonwealth BPOA v.  
5 Kyu Son Yi, D.V.M.]

6 \*\*\*

7 MR. DAVIS:

8 Number 5 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: Case  
13 No. 15-57-11242.

14 CHAIR GARG:

15 Would somebody like to make that motion?

16 MS. KEHOE:

17 I'll make the motion.

18 DR. NEBZYDOSKI:

19 Second.

20 CHAIR GARG:

21 Any further discussion?

22

23 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
24 Horbal, aye; Ms. Kehoe, aye; Dr.  
25 Nebzydoski, aye; and Dr. Garg, aye.

1 [The motion carried unanimously. Commonwealth BPOA v.  
2 Michael M. Burak, D.C.]

3 \*\*\*

4 MR. DAVIS:

5 Number 6 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: Case  
10 No. 20-57-012908 & 20-57-013747.

11 Dr. Garg is recused.

12 DR. BENDER:

13 I'll make the motion.

14 DR. COOLEY:

15 I'll second that.

16 CHAIR GARG:

17 Any further discussion?

18

19 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
20 Horbal, aye; Ms. Kehoe, aye; Dr.  
21 Nebzydoski, aye; and Dr. Garg, recuse.

22 [The motion carried. Dr. Garg recused himself from  
23 deliberations and voting on the motion. Commonwealth  
24 BPOA v. Denis Lee Daman, D.V.M.]

25

\*\*\*

1 MR. DAVIS:

2                   Number 7 on the Board's agenda. Based  
3                   on the Board's discussions in Executive  
4                   Session, I believe the Chair would  
5                   accept a motion to approve the Consent  
6                   Agreement in the following matter: Case  
7                   No. 19-57-007666.

8 CHAIR GARG:

9                   Would somebody like to make that motion?

10 MS. KEHOE:

11                   I'll make the motion.

12 DR. COOLEY:

13                   I'll second.

14 CHAIR GARG:

15                   Any further discussion?

16

17                   Dr. Bender, aye; Dr. Cooley, aye; Dr.  
18                   Horbal, aye; Ms. Kehoe, aye; Dr.  
19                   Nebzydoski, aye; and Dr. Garg, no.

20 [The motion carried. Dr. Garg opposed the motion.

21 Commonwealth BPOA v. Erica Lynn Pennington, D.V.M.]

22

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23 Report of Board Chair - No Report

24

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25 [K. Kalonji Johnson, Commissioner, Bureau of

1 Professional and Occupational Affairs, entered the  
2 meeting at 11:20 a.m.]

3 \*\*\*

4 Report of Commissioner

5 [K. Kalonji Johnson, Commissioner, Bureau of  
6 Professional and Occupational Affairs, addressed  
7 physical travel requests, noting physical travel is  
8 considered up to the pre-COVID limit of two members  
9 with the rest of the Board having the option of  
10 attending virtually. He encouraged everyone to submit  
11 travel requests to the Board Administrator as soon as  
12 possible so any concerns can be addressed at the  
13 higher administrative level.

14 Commissioner Johnson noted the emergency waivers  
15 extended through Act 21 of 2021 will expire on  
16 September 30, 2021 and includes virtual allowance for  
17 Board meetings.

18 Commissioner Johnson reported the Board would be  
19 returning back to physical meetings starting in  
20 October with the cessation of the waivers. He  
21 mentioned the Board should plan for the September  
22 meeting still being virtual.]

23 \*\*\*

24 [K. Kalonji Johnson, Commissioner, Bureau of  
25 Professional and Occupational Affairs, exited the

1 meeting at 1:30 p.m.]

2

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3 Report of Board Counsel - Report

4 [Thomas M. Davis, Esquire, Board Counsel, provided a  
5 Regulatory Status Report for the Board's review. He  
6 referred to 16A-5726 regarding euthanasia. He  
7 reported that the Bureau of Professional and  
8 Occupational Affairs (BPOA) Regulatory Counsel  
9 transmitted the regulation to the Office of General  
10 Counsel (OGC) on June 2, 2021. He noted the proposed  
11 regulation was still in the early stages but has  
12 progressed and will keep the Board apprised.

13 Mr. Davis referred to the letter of support from  
14 the Pennsylvania House of Representatives Animal  
15 Protection Caucus reminding the Board they are in  
16 favor of allowing shelters to have access to sodium  
17 pentobarbital with proper licensure.

18 The Board suggested that a letter of response  
19 should be drafted, and Mr. Davis offered to send a  
20 letter of response on behalf of the Board.

21 Chair Garg suggested something simple by  
22 acknowledging the Pennsylvania House of  
23 Representatives Animal Protection Caucus' letter and  
24 letting them know the Board is in the process of  
25 creating such regulations and where those regulations

1 are right now.

2 Mr. Davis offered to send a letter on behalf of  
3 the Board but recommended that, should the Board  
4 desire that such a letter be drafted, that a vote  
5 would be in order.]

6 CHAIR GARG:

7 Could I have a motion directing Mr.  
8 Davis to go ahead and write a letter as  
9 per what we just said in the minutes and  
10 to then have him ask me to review that  
11 letter and, as long as I approve of it,  
12 to go ahead and transmit that letter?

13 DR. NEBZYDOSKI:

14 That would be the motion I'm making.

15 DR. BENDER:

16 And the one that I'm going to second.

17 CHAIR GARG:

18 Any further discussion? I'll read the  
19 roll.

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 Report of Board Counsel - Regulations

2 [Thomas M. Davis, Esquire, Board Counsel, addressed  
3 16A-5731 regarding veterinarian continuing education  
4 (CE) approved by the Board during the last meeting.  
5 He informed the Board that he sent an internal  
6 memorandum and received three comments within BPOA  
7 suggesting the Board would not require CE in the first  
8 renewal if less than 24 months had passed, questions  
9 of statutory authority, and a question concerning  
10 wording.

11 Mr. Davis commented that the Board does have  
12 statutory authority and believes that is fine. He  
13 mentioned one of the commenters stated the regulation  
14 to be overly complicated.

15 Mr. Davis agreed and referred to § 31.15(a), where  
16 the initial version said veterinarians are not  
17 required to satisfy continuing education requirements  
18 for a biennial period in which a license has been  
19 classified as inactive or for any biennial period in  
20 which the veterinarian has not been licensed in the  
21 Commonwealth for the entire biennial period.

22 Mr. Davis suggested replacing the above sentence  
23 with "veterinarians are not required to complete  
24 continuing education during the biennial renewal cycle  
25 in which the licensee was first licensed."

1           Mr. Davis received a similar comment for  
2 certified veterinary technicians (CVTs). He referred  
3 to § 31.36(a.1), where he will revise that in the same  
4 fashion as the veterinarian's comment that was just  
5 discussed. He referred to the highlighted area to  
6 read, "Certified veterinary technicians are not  
7 required to complete continuing education during the  
8 biennial renewal cycle in which the certificate holder  
9 was first licensed."

10           Mr. Davis referred to § 31.40(a)(7), where Ms.  
11 Kehoe pointed out at the last meeting that the  
12 Veterinary Technicians and Assistants Association of  
13 Pennsylvania (VTAAP) no longer exists. He noted he  
14 bracketed it to remove that reference and reserved  
15 that section.

16           Mr. Davis commented that he plans to send out an  
17 exposure draft to interested parties and stakeholders  
18 in order to get this moving.]

19 MR. DAVIS:

20                           Based on the Board's discussions, I  
21                           believe the Chair would accept a motion  
22                           to direct Board Counsel to release an  
23                           exposure draft of proposed regulation  
24                           16A-5731, which is Vet Board CE, to  
25                           interested parties and stakeholders.



1 DR. NEBZYDOSKI:

2 I'll make that motion.

3 DR. COOLEY:

4 I will second it.

5 CHAIR GARG:

6 Any further discussion? I'll read the  
7 roll.

8

9 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
10 Horbal, aye; Ms. Kehoe, aye; Dr.  
11 Nebzydoski, aye; and Dr. Garg, aye.

12 [The motion carried unanimously.]

13

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14 Mr. Davis addressed 16A-5732 regarding fee  
15 changes. He reported also circulating an internal  
16 memorandum related to the proposed fee changes and  
17 receiving a response from Regulatory Counsel informing  
18 him that the template he used to increase fees has  
19 changed. He noted the need to put it in a different  
20 format, which means the Annex will look considerably  
21 different, but the proposed fee increases should  
22 remain the same.

23 Mr. Davis also noted being informed that some of  
24 the other fees need additional attention in  
25 determining what fees are statutory; what fees are

1 regulatory; and what should happen with verification  
2 of licensure, certification of scores or hours, and  
3 other fees.

4 Mr. Davis informed the Board that he would be  
5 tabling the regulation to regroup and redraft the  
6 Annex and hopefully provide a new one for the next  
7 meeting.]

8 \*\*\*

9 Adjudications and Orders

10 MR. DAVIS:

11 Number 11 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 authorizing Counsel to  
15 draft an Adjudication and Order  
16 consistent with the Board's discussions  
17 for the following matter: In the Matter  
18 of the Petition for Reinstatement of  
19 Leonard Darryl Kreger, D.V.M.,  
20 Petitioner, Case No. 20-57-014137.

21 CHAIR GARG:

22 Would somebody like to make that motion?

23 DR. NEBZYDOSKI:

24 I'll make that motion.

25 DR. COOLEY:

1 Second.

2 CHAIR GARG:

3 Any further discussion?

4

5 Dr. Bender, aye; Dr. Cooley, aye; Dr.

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

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

8 [The motion carried unanimously.]

9

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10 MR. DAVIS:

11 Number 12 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 as final the

15 Draft Adjudication and Order in

16 following matter: Commonwealth BPOA v.

17 Karin-Susan Breitlauch, D.V.M.,

18 Respondent, Case No. 18-57-011741.

19 CHAIR GARG:

20 Would somebody like to make that motion?

21 DR. NEBZYDOSKI:

22 I'll make that motion.

23 DR. BENDER:

24 I'll second it.

25 CHAIR GARG:

1 Any further discussion?

2

3 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
4 Horbal, aye; Ms. Kehoe, aye; Dr.  
5 Nebzydoski, aye; and Dr. Garg, aye.

6 [The motion carried unanimously.]

7

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8 MR. DAVIS:

9 Number 13 on the Board's agenda. Based  
10 on the Board's discussions in Executive  
11 Session, I believe the Chair would  
12 accept a motion to adopt as final the  
13 Proposed Adjudication and Order of the  
14 hearing examiner in the following  
15 matter: Commonwealth BPOA v. Steven  
16 Richard Costello, D.V.M., Respondent,  
17 Case No. 18-57-010720.

18 DR. BENDER:

19 I'll make the motion.

20 DR. COOLEY:

21 Second.

22 CHAIR GARG:

23 Any further discussion?

24

25 Dr. Bender, aye; Dr. Cooley, aye; Dr.

1 Horbal, aye; Ms. Kehoe, aye; Dr.  
2 Nebzydoski, aye; and Dr. Garg, aye.

3 [The motion carried unanimously.]

4 \*\*\*

5 MR. DAVIS:

6 Number 14 on the Board's agenda. Based  
7 on the Board's discussions in Executive  
8 Session, I believe the chair would  
9 accept a motion to adopt as final the  
10 Proposed Adjudication and Order of the  
11 hearing examiner in the following  
12 matter: Commonwealth BPOA v. Fernando  
13 Efrain Motta, D.V.M., Respondent, Case  
14 No. 17-57-05853.

15 DR. NEBZYDOSKI:

16 I will make that motion.

17 DR. COOLEY:

18 Second.

19 CHAIR GARG:

20 Any further discussion?

21

22 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
23 Horbal, aye; Ms. Kehoe, no; Dr.  
24 Nebzydoski, aye; and Dr. Garg, aye.

25 [The motion carried. Ms. Kehoe opposed the motion.]

1 \*\*\*

2 Miscellaneous

3 [Thomas Garg, V.M.D., Chairman, noted the attached  
4 remaining Board meeting dates.]

5 \*\*\*

6 Report of Board Counsel - Miscellaneous

7 [Thomas M. Davis, Esquire, Board Counsel, referred to  
8 Act 21 of 2021 regarding extending COVID suspensions.  
9 He encouraged everyone to check the Department of  
10 State's website, noting a link for COVID-19 suspension  
11 waivers for updates.]

12 \*\*\*

13 Adjournment

14 DR. NEBZYDOSKI:

15 I would be more than happy to make a  
16 motion to adjourn.

17 DR. COOLEY:

18 I would second that motion.

19 CHAIR GARG:

20 That sounds awesome. It has been a  
21 pleasure seeing everyone again. Stay  
22 safe. We'll see you all in September.

23 [The motion carried unanimously.]

24 \*\*\*

25 [There being no further business, the State Board of

1 Veterinary Medicine Meeting adjourned at 11:50 a.m.]

2 \*\*\*

3

4 CERTIFICATE

5

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

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15

Samantha Sabatini,

16

Minute Clerk

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Sargent's Court Reporting

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Service, Inc.

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STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:32	Approval of Minutes
10:33	Report of Prosecutorial Division
11:25	Report of Commissioner
11:30	Report of Board Counsel
11:48	Miscellaneous
11:49	Report of Board Counsel (Continued)
11:50	Adjournment