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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: 10:31 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 28, 2023

State Board of Veterinary Medicine
July 28, 2023

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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.
Hilary Vesell, Esquire, Public Member
Apryle Horbal, V.M.D.
Valerie Kehoe, C.V.T.

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Counsel, Counsel
Division
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Jason T. Anderson, Esquire, Board Prosecutor
Amber Lee Czerniakowski, Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator
Michael McDonald, Policy Director, Department of
State
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

ALSO PRESENT:

Angie Armbrust, Senior Associate, McNees-Winter
Group LLC
Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Mark B. Guise, V.M.D., Lockwillow Avenue Animal
Clinic
Derek Richmond

1 ***

2 State Board of Veterinary Medicine

3 July 28, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Thomas M. Davis, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive advice of counsel on the
10 matters upon which the Board would later vote. The
11 Board returned 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 28, 2023. Thomas Garg, V.M.D., Chair, called the
16 meeting to order at 10:31 a.m.

17 ***

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

22 Mr. Davis also noted the Board entered into
23 Executive Session for the purpose of conducting
24 quasi-judicial deliberations and to receive advice of
25 counsel on the matters upon which the Board would

1 later vote.]

2

3 Roll Call

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

6

7 Introduction of Attendees

8 [Michelle Roberts, Board Administrator, provided an
9 introduction of attendees.]

10

11 Approval of minutes of the May 5, 2023 meeting

12 CHAIR GARG:

13 The first item on the agenda is the
14 draft minutes from the previous
15 meeting.

16 For the meeting from May 5, were
17 there any concerns with regard to those
18 minutes?

19 Would anybody like to make a motion
20 to accept the minutes?

21 DR. BENDER:

22 I'll move to accept the minutes.

23 DR. COOLEY:

24 Second.

25 CHAIR GARG:

1 Any further discussion? I'll call
2 roll.

3
4 Mr. Claggett, aye; Dr. Bender, aye; Dr.
5 Cooley, aye; Ms. Vessel, abstain; Dr.
6 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
7 aye.

8 [The motion carried. Hilary Vesell abstained from
9 voting on the motion.]

10 ***

11 Report of Board Prosecution

12 [Jason T. Anderson, Esquire, Board Prosecutor,
13 presented the Consent Agreement for Case No. 22-57-
14 018193.]

15 ***

16 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
17 on behalf of Kayla R.B. Bolan, Esquire, Board
18 Prosecutor, presented the Consent Agreement for Case
19 No. 21-57-010333.]

20 ***

21 MR. DAVIS:

22 With regard to number 2 on the Board's
23 agenda, based on the Board's
24 discussions in Executive Session, I
25 believe the Chair would accept a motion

1 to approve the Consent Agreement in the
2 following matter: Case No. 22-57-
3 018193.

4 DR. BENDER:

5 I'll make the motion.

6 DR. COOLEY:

7 I second.

8 CHAIR GARG:

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

11

12 Mr. Claggett, aye; Dr. Bender, aye; Dr.
13 Cooley, aye; Ms. Vessel, aye; Dr.
14 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
15 aye.

16 [The motion carried unanimously. That is
17 Commonwealth BPOA v. Melissa Ogg, V.M.D.]

18

19 MR. DAVIS:

20 Number 3 on the Board's agenda, based
21 on the Board's discussions in Executive
22 Session, I believe the Chair would
23 accept a motion to approve the Consent
24 Agreement in the following matter:
25 Case No. 21-57-010333.

1 DR. BENDER:

2 I'll make the motion.

3 DR. COOLEY:

4 I second.

5 CHAIR GARG:

6 Any further discussion? I'll call
7 roll.

8

9 Mr. Claggett, aye; Dr. Bender, aye; Dr.
10 Cooley, aye; Ms. Vessel, aye; Dr.
11 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
12 aye.

13 [The motion carried unanimously. That is
14 Commonwealth BPOA v. Kent Knight DBA Pet Search.]

15 ***

16 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
17 advised Board members that Timothy Henderson and
18 Amber Czerniakowski would be co-liaisons for the
19 State Board of Veterinary Medicine with the
20 retirement of Julia Feld-Caralle.]

21 ***

22 Appointment - Introduction

23 [Michael McDonald, Policy Director, Department of
24 State, introduced himself and provided a brief
25 history of his professional background. He informed

1 everyone that the policy office works with all of the
2 program areas and licensing boards and commissions to
3 develop policy initiatives, review and assess
4 proposals, and review legislation.

5 Mr. McDonald noted their work with Board Counsel
6 to review and draft regulations or implement a policy
7 change. He also noted keeping track of the
8 activities in other jurisdictions that could have an
9 impact on the licensing population or citizens of
10 Pennsylvania.

11 Mr. McDonald noted working with other agencies
12 regarding AnaSed (xylazine) scheduling to make sure
13 the impact would be limited on the licensee
14 population.

15 Mr. McDonald encouraged Board members to consider
16 him or Deputy Policy Director Andrew LaFratte as a
17 resource for any questions or concerns.

18 Mr. McDonald thanked Board members for their
19 service to the licensees and citizens of the
20 Commonwealth of Pennsylvania.

21 Ms. Kehoe commented that the American Association
22 of Veterinary State Boards (AAVSB) has a newsletter
23 describing what other states are working on and
24 changes in other states.

25 Mr. McDonald thanked Ms. Kehoe for the

1 information.]

2

3 Report of Board Counsel - Regulations

4 [Thomas M. Davis, Esquire, Board Counsel, informed
5 Board members that the final preamble for the
6 euthanasia regulation was nearly completed, and said
7 he may be calling for a vote on the final regulation
8 before the end of the year.

9 Mr. Davis also informed Board members that he
10 completed the Regulatory Analysis Form (RAF) for the
11 fee increase and turned it in for internal review on
12 May 19, 2023.]

13

14 Report of Board Counsel - Miscellaneous

15 [Thomas M. Davis, Esquire, Board Counsel, addressed
16 the temporary scheduling of xylazine as a Schedule
17 III controlled substance by the Acting Secretary of
18 Health. He suggested anyone with questions regarding
19 xylazine consult with a private attorney for legal
20 advice or a professional organization for guidance.

21 Mr. Davis noted informing Board members when they
22 last met on May 5, 2023, that the Acting Secretary of
23 Health submitted a Notice of Intent to temporarily
24 add xylazine to the list of Schedule III drugs under
25 Pennsylvania's Controlled Substance, Drug, Device,

1 and Cosmetic Act. He mentioned that the Notice of
2 Intent was published April 22 in volume 53 on page
3 2270 of the PA Code and Bulletin and was also
4 available under "Announcements" on the Board's
5 website.

6 Mr. Davis provided updated information since that
7 time, where the Acting Secretary of Health issued a
8 final order on June 3, 2023, temporarily scheduling
9 xylazine, which is not currently listed in any
10 schedule of the Controlled Substance, Drug, Device,
11 and Cosmetic Act. He noted the Final Order would
12 place xylazine in Schedule III subject to certain
13 limitations.

14 Mr. Davis stated the Secretary of Health is
15 taking this action because the scheduling of xylazine
16 on a temporary basis is necessary to avoid an
17 imminent hazard to public safety. He reported five
18 limitations that include dispensing, prescribing,
19 administration, manufacturing, or use with relation
20 to nonhuman species currently permitted under the
21 Federal Food, Drug, and Cosmetic Act.

22 Mr. Davis suggested everyone review the
23 information that is available on the Board's website
24 or on the PA Code and Bulletin published June 3,
25 2023, volume 53, issue 22, page 3031. He suggested

1 anyone with questions consult a private attorney for
2 legal advice or a professional organization for
3 guidance because he is not permitted to provide
4 legal advice to anyone but the Board.

5 Mr. Davis addressed the Annual Report to the
6 General Assembly. He stated the Veterinary Medicine
7 Practice Act requires the Board to annually inform
8 the General Assembly with a description of the types
9 of complaints received, status of cases, etc. He
10 noted that Carolyn DeLaurentis, the former
11 prosecution section chief, presented information to
12 the Board a few months ago and recently provided him
13 with additional data, which has been provided to the
14 Board.

15 Mr. Davis noted 8,625 active licensees in 2022,
16 236 cases opened in 2022, 243 open cases at the time
17 of the report, and 289 cases closed in 2022, with the
18 average age to close those cases of 470 days. He
19 reported 22 cases ended in fines, prosecution was not
20 warranted in 166 cases, and a warning letter was sent
21 in 51 cases. He told anyone who wished to have a
22 copy of the report to contact him or the Board's main
23 email address.]

24 ***

25 Report of Board Chairperson - No Report

1 ***

2 Report of Acting Commissioner - No Report

3 ***

4 Miscellaneous

5 [Thomas M. Davis, Esquire, Board Counsel, requested
6 the Board choose a voting member and an alternate to
7 attend the American Association of Veterinary State
8 Boards (AAVSB) Annual Meeting. Anjilla Cooley and
9 Valerie Kehoe wished to attend the meeting.

10 Mr. Davis suggested sending Dr. Cooley as the
11 voting member and Ms. Kehoe as the alternate.]

12 MR. DAVIS:

13 I believe the Board Chair would accept
14 a motion to allow Dr. Cooley to serve
15 as the Board's voting delegate to the
16 2023 AAVSB Annual Meeting and CVT, Val
17 Kehoe as the alternate, which would
18 include the reasonable expenditure of
19 Board funds related to travel, lodging,
20 food, etc., as necessary.

21 DR. BENDER:

22 I'll make a motion to accept that.

23 ACTING COMMISSIONER CLAGGETT:

24 Second.

25 CHAIR GARG:

1 Any further discussion? I'll call
2 roll.

3
4 Mr. Claggett, aye; Dr. Bender, aye; Dr.
5 Cooley, aye; Ms. Vessel, aye; Dr.
6 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
7 aye.

8 [The motion carried unanimously.]

9 ***

10 Upcoming Meeting Dates

11 [Thomas Garg, V.M.D., Chair, noted upcoming meeting
12 dates are September 22 and November 3.]

13 ***

14 Public Comment

15 [Mark B. Guise, V.M.D., Lockwillow Avenue Animal
16 Clinic, informed Board members of the clinic's
17 attempts to hire a certified veterinary technician
18 for over two years and reported many individuals were
19 labeling themselves as a certified veterinary
20 technicians. He commented that licensees who have
21 those credentials need more support.

22 Dr. Guise noted that it was something that should
23 be addressed in the Pennsylvania Veterinary Medical
24 Association (PVMA) Newsletter or by the Board to make
25 everyone aware that there are employees who are

1 Would anybody like to make a motion to
2 adjourn?

3 DR. BENDER:

4 I'll make the motion to adjourn.

5 DR. COOLEY:

6 Second.

7 CHAIR GARG:

8 Thank you everybody.

9 ***

10 [There being no further business, the State Board of
11 Veterinary Medicine Meeting adjourned at 11:04 a.m.]

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CERTIFICATE

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



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:31	Roll Call
10:32	Introduction of Attendees
10:35	Approval of Minutes
10:35	Report of Board Prosecution
10:42	Appointment - Michael McDonald
10:47	Report of Board Counsel
10:56	Miscellaneous
11:00	Upcoming Meeting Dates
11:01	Public Comment
11:04	Adjournment